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July 8, 1867 - January 13, 1879

* * * * *

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Santa Fé, N. M. July 8th 1867

In Chambers.

To the Hon. the—
Supreme Court of the Territory of New Mexico
In consequence of bad health which compels me to go to the "States", I hereby tender to you my resignation as Clerk of the Supreme Court to take effect of this date.

Respy—

(sgd) W. M. Gregg

Santa Fé N. M.
June 21st 1867.

Franklin Texas. June 30th 1867.

Dear Judge:—

Your favor of the 20th inst. has been received.

With much pleasure I give you, and assent to the appointment of Peter Connelly as Clerk of the Supreme Court of New Mexico.

Truly Yours,
(sgd) J. Houghton Asst. Justice

Chf. Justice Hon. P. Slough
Santa Fé N. M.

The Hon Joab Houghton, one of the associate Justices of the Supreme Court of the Territory of New Mexico, having assented thereto, Peter Connelly of the County of Santa Fé is hereby appointed Clerk of the Supreme Court of this Territory.

His bond will be in the sum of five thousand dollars.

(sgd) Hon. P. Slough
Chf. Justice of the Supr. Court
Territory of New Mexico.

I, Peter Connelly of the County of Santa Fé, having been appointed Clerk of the Supreme Court of the Territory of New Mexico, do solemnly swear, that I have never, voluntarily, borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement, to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise, the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion. And I do further swear, that I will faithfully and truly, to the best of my abilities, perform all the duties of ~~any Office~~ the office upon which I am about to enter.

So help me God.

(sgn) Peter Connelly

Territory of New Mexico,
County of Santa Fé } ss

I, Jno. P. Slough, Chief Justice of the Supreme Court of New Mexico, do certify, that the aforenamed Peter Connelly, on this eighth day of July A.D. 1867, did personally appear and take, and subscribe the oath as above, before me.

(sgn) Jno. P. Slough
Chf Justice

Know all men by these presents.

That we, Peter Connelly as principal, and S. B. Elkins and R. M. Stephens as sureties, are held and firmly bound unto the Territory of New Mexico in the penal sum of Five Thousand Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators. Sealed with our seals and dated this eighth day of July A. D. 1864.

The condition of the above obligation is such that, whereas the said Peter Connelly has been appointed clerk of the Supreme Court of New Mexico:

Now, if the said Peter Connelly shall do and perform all the duties of his said Office required by law, then this obligation to be null and void, otherwise to remain in full force and effect.

(sgd) Peter Connelly {Seal}
(") S. B. Elkins {Seal}
(") R. M. Stephens. {Seal}

Bond and sureties approved this eighth day of July A. D. 1864.

sgd Jno. S. Slough
Chf. Justice Supr. Ct.
Terry. for sm.

Supreme Court of the United States.
Washington D.C. May 30 1867.

Supreme Court of the Territory of New Mexico:
In pursuance of the act of Congress entitled "An act to establish a uniform system of Bankruptcy throughout the United States", approved March 2 1867, I nominate and recommend to your Theodore S Greiner of Albuquerque N.M. for the Office of Register in Bankruptcy for the Territory of New Mexico.

(sgd) S. P. Chase
Chief Justice of the United States

To the Honorable,
The Supreme Court of the Territory of New Mexico.

The United States of America,
Territory of New Mexico ss
Supreme Court of said Territory - In Chambers
June 29th 1867. It is ordered
That the recommendation of the Chief Justice of the Supreme Court of the United States, of Theodore S. Greiner of Albuquerque New Mexico to the office of Register in Bankruptcy, be, and the same is hereby confirmed; and, that the said Theodore S. Greiner be, and is hereby appointed Register in Bankruptcy for said Territory.

(sgd) Geo. P. Slough
Chf. Justice of the Sup. Ct.
Terry of New Mexico

(") S. Houghton
Asst. Justice Sup. Ct. N.Mx.

Geo. P. Slough
Chf Justice

United States of America Territory of New Mexico } Sct.
Supreme Court of the Territory of New Mexico In Chambers
July Twenty-Third 1867.

It is ordered that the following Official Bond and Oath of Office be entered of Record in this Court, this day Executed by the Register in Bankruptcy, viz

Know all Men by these Presents That We, Theodore G. Greiner, principal and Charles P. Clever and Stephen B. Elkins sureties are held and firmly bound unto The United States of America in the sum of Two Thousand Dollars, for the payment of which well and truly to be made we hereby bind ourselves, our Heirs, Executors, and administrators jointly by these Presents Signed with our Names and Sealed with our Seals and dated at Santa Fé, New Mexico this twenty third day of July in the year of our Lord one thousand eight hundred and sixty seven

The Condition of the above obligation is such that whereas the above bounden principal was by the Supreme Court of the Territory of New Mexico on the initiation day of May A.D. 1867 appointed and confirmed Register in Bankruptcy within and for said Territory of New Mexico. Now if the said Theodore G. Greiner shall faithfully discharge the duties of his said office as Register in Bankruptcy within said Territory of New Mexico during his said Term of office Then this obligation to be void otherwise to be and remain of full force and virtue.

$1.00 Internal Revenue Stamps canceled

(signed) Theo. G. Greiner (seal)
(signed) Charles P. Clever (seal)
(signed) S. B. Elkins (seal)

Bond and Sureties approved this 23d July A.D. 1867

(signed) John P. Slough
Chief Justice of the Sup. Ct. Terry of New Mexico

I, Theodore G. Greiner, of Albuquerque, County of Bernalillo and Territory of New Mexico, having been appointed and commissioned as Register in Bankruptcy, for New Mexico Territory do sincerely swear That I have never voluntarily borne arms against the United States since I have been a citizen thereof That I have constantly given no aid, consent, countenance or encouragement to persons engaged in armed hostility thereto. That I have neither sought nor accepted nor attempted to exercise

exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States, that I have not yielded a voluntary support to any pretended Government, authority, power or constitution, within the United States hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign or domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion. And I do further swear that I will perform faithfully to the best of my ability all the duties of my said office on which I am about to enter.

And that I will not during my continuance be directly or indirectly interested in or benefited by fees or emoluments arising from any suit or matter pending in Bankruptcy in said Territory of New Mexico. So Help me God.

(Signed) Theo. Treiner

Register in Bankruptcy
for New Mexico Territory

Territory of New Mexico
County of Santa Fé } ss.

I, John P. Slough Chief Justice Supreme Court New Mexico Terry do certify that the aforenamed Theo Treiner on this Twenty Third day of July A.D. 186[illegible], did personally appear and take and subscribe the oath as above before me.

(Signed) John P. Slough Chf Justice
& the Supr. Ct. Terry of N. M.

Extract

Zanesville Ohio, Sept 7th 1867.

Hon John P. Slough
Chief Justice Supreme Court
Territory of New Mexico.

Sir:

In consequence
of the ill health of Mrs Greiner still continuing,

neither she nor I can return to New Mexico this season. I have therefore thought it essential to tender my resignation of the Register in Bankruptcy from this day

+ + + + + + + + + + + + + + + + + + + +

Yours truly

(sgd) Theo. L. Greiner

Santa Fé N.M. January 6th 1868.

At a regular Term of the Supreme Court of the Territory of New Mexico, begun and held at the Court House in the City of Santa Fé, on the first Monday of January A.D. 1868, it being the sixth day of said Month, present Hon. Joab Houghton, Associate Justice of Supreme Court and Judge of the Third Judicial District. Hon. Stephen B. Elkins, U.S. District Attorney. Hon. Merrill Ashurst, Attorney General of New Mexico. John Pratt Esqr. U.S. Marshal. Felix Connelly Esqr. Clerk of Supreme Court. Jesús D. Sena Esqr. Sheriff of Santa Fé County and Criers of the Court.

The following Preamble and Resolutions were read by the Hon Merrill Ashurst, and upon his motion, it was ordered by the Court that they be entered of Record: to wit—

"Preamble and Resolutions adopted at a meeting of the Santa Fé Bar, held at the Clerks Office of the Supreme Court in the City of Santa Fé, on Tuesday, December 31st A.D. 1867, upon the occasion of the death of the Hon John P. Slough, late Chief Justice of the Supreme Court of this Territory.

Pursuant to previous notice, the members of the Santa Fé Bar assembled at the Clerks Office of the Supreme Court on the 31st day of December A.D. 1867, for the purpose of expressing their deep sorrow upon the occasion of the death of the Hon John P. Slough, late Chief Justice of the Supreme Court of this

History, and of paying a just tribute to his memory.

The meeting having been organized, the Hon. Merrill Rhurst was called to the Chair, and Peter Connelly Esqr. made Secretary.

Upon motion, a Committee of three consisting of the Hon. R. H. Tompkins, the Hon. S. B. Elkins and S. L. Snyder Esqr. was appointed to draft Preamble and Resolutions appropriate to the occasion, and in due season reported the following, which, being read and submitted, were unanimously adopted:

Preamble and Resolutions.

Whereas

It has pleased Almighty God in His infinite wisdom, to take from our midst the Hon. John P. Hough, late Chief Justice of the Supreme Court of the Territory of New Mexico - and

Whereas

The sudden and unfortunate manner of his death has cast a gloom over the whole community, and especially over the members of the Bar, with whom he was most intimately associated, as well professionally as socially -

Be it therefore resolved -

1st That in the death of the Hon. John P. Hough, the Territory of New Mexico has lost a worthy and enterprising citizen, and the General Government a energetic, faithful and incorruptible officer, whose sole aim officially, was to see the laws faithfully executed, without fear, favor or affection.

2d That from our intimate professional relations, it affords us pleasure to testify to his ma-

manimity of character and to his liberal and obliging disposition as a man, and as a fair and impartial Arbiter upon the Bench.

3rd That to his aged parents, his relations and friends, and more particularly to his bereaved Widow and Orphaned Children, are tendered our sincerest sympathy, in this, the hour of their saddest bereavement.

4th That copies of these resolutions be furnished the Widow and parents of the deceased.

5th That the two papers of this City, the National Intelligencer of Washington, and the Daily Commercial of Cincinnati be requested to publish these proceedings.

On motion, the meeting then adjourned, sine die.

(sgd) Mend Strunk
Chairman

(sgd) Alex Connelly, Secy.

The Marshal now presented H. C. Carson and Manuel Sosaya as his Bailiffs for present term of Court, and they were duly sworn as such.

The Court then appointed Alex Connelly Interpreter for present term and he was duly sworn as such.

Court then adjourned until tomorrow at 12 o'clock M.

J. Hemphill
Asst. Justice.

2d Day. Tuesday, January 7th 1868.

Court met pursuant to adjournment. present as on yesterday. The Record of yesterday was read and approved. no quorum being present.—

Court then adjourned until tomorrow at 12 o'clock M.

S. Strong
Asst. Justice

3d Day. Wednesday, January 8th 1868.

Court met pursuant to adjournment; present as on yesterday. The Record of yesterday was read and approved.

Mr Arnoux then presented to the Court, the name of Peter Cornell, Esqr. as an applicant for admission to the Bar, and asked that a Committee be appointed to examine him and report to the Court as to his qualifications. Whereupon the Court appointed upon such Committee Messrs Ashmead, Elkins and Townsend.

The quorum of Judges still being incomplete,

Court then adjourned until tomorrow morning at 10 o'clock.

S. Strong
Asst. Justice.

4th Day. Thursday. January 9th 1868.

Court met pursuant to adjournment present as on yesterday. The Record of yesterday was read and approved.

The quorum of Judges still being incomplete,

Court then adjourned until tomorrow morning at 10 o'clock

J. Stroughton
Ass. Justice.

5th Day. Friday. January 10th 1868.

Court met pursuant to adjournment present as on yesterday. The Record of yesterday was read and approved.

The Committee to whom was referred the application of Peter Connelly for admission to the Bar, now reported through Mr. Ashurst Esqr. that they had Examind said applicant touching his qualifications as a Lawyer, and upon said examination would respectfully recommend his admission to the Bar.

And it appearing further to the satisfaction of the Court that the said Peter Connelly is of good moral character, and in all other respects qualified, according to the statute in such case made and provided; and the said Peter Connelly being thereupon sworn to support the Constitution of the United States, and in all things demean himself faithfully and honestly as an Attorney and Counsellor at Law, and Solicitor in Chancery:

It is ordered that the said Peter Connelly be admitted to practice as an Attorney and

Counsellor at Law, and Solicitor in Chancery, in the several Courts of the Territory of New Mexico.

The quorum of Judges still being incomplete,

Court then adjourned until tomorrow morning at 10 o'clock.

J. Houghton
Chf. Justice.

6th Day. Saturday, January 11th 1868.

Court met pursuant to adjournment. present as on yesterday. The Record of yesterday was read and approved.

Samuel Ellison Esqr. now appeared in open Court, and made application for admission to the Bar.

Whereupon a Committee of examination was appointed by the Court, consisting of Messrs Ashurst and Tompkins, which committee reported in due season through Mr Ashurst, that they had examined Mr Ellison, touching his qualifications as a Lawyer, and would respectfully recommend his admission to the Bar.

And it appearing further to the satisfaction of the Court, that the said Samuel Ellison is of good moral character, and in all other respects qualified according to the Statute in such case made and provided; and the said Samuel Ellison being thereupon sworn to support the Constitution of the United States, and in all things demean himself faithfully and honestly as an Attorney and Counsellor at Law and Solicitor in Chancery.

It is ordered that the said Samuel Ellison be admitted to practice as an Attorney

and Counsellor at Law, and Solicitor in Chancery in the Second Court of the Territory of New Mexico.

It is now ordered by the Court, that the following persons be allowed the amounts set opposite their respective names, for services rendered during the present Term of Court, to wit:—

S. B. Elkins - U. S. Dist. Atty.	6 days	@5.00	$30.00
John Pratt - U. S. Marshal	6 "	" 5.00	30.00
Peter Connelly - Clerk Sup. Court	6 "	" 5.00	30.00
Peter Connelly - Interpreter "	6 "	" 5.00	30.00
José D. Sena - Sheriff Santa Fé Co.	6 "	" 4.00	24.00
José D. Sena - Crier of Sup. Court	6 "	" 2.00	12.00
Henry C. Carson - Bailiff	6 "	" 2.00	12.00
Manuel Sosaya "	6 "	" 2.00	12.00
R. F. Green for rent of room	6 "	" 1.00	6.00

It is ordered that the Marshal be allowed the sum of Fifty one 50/100 Dollars for stationery fuel &c. purchased for use of the Court at present term.

The quorum of Judges still being incomplete Court then adjourned until Monday morning at 12 o'clock m.

S. B. Houghton
Sen. Justice

7th Day.

Monday, January 13th 1868

Court met pursuant to adjournment, present as on Saturday. The Record of Saturday was read and approved.

It having been announced to the Court that the Hon. Perry E. Brocchus, Associate Justice of this Court, and Judge of Second Judicial District, had arrived,

It was ordered that Court adjourn until tomorrow morning at 10 o'clock.

S. Knaebel
Asst Justice

8th Day.

Tuesday January 14th 1868.

Court met pursuant to adjournment, present as on yesterday and also, the Hon Perry E. Brocchus, Associate Justice and Judge of the Second Judicial Districh. Record of yesterday read and approved. Mr. Benedict upon the part members of the Bar, then offered the following motion - to wit,

"Territory of New Mexico
Supreme Court Jan Term 1868.

The members of the Bar now in attendance move the Court to rescind the Rule made at the last Term, denying the making of oral arguments, on the hearing of causes, and requiring all arguments to be made in writing or printed"

(Signed) Kirby Benedict and others.

which, after consultation, was sustained by the Court.

The Court then proceeded to a preliminary call of the Docket.

Antonio Noriega

42 vs. Appeal from Doña Ana Co.

José María García.

This cause is continued until the next Term of this Court.

The Territory

43 vs. Appeal from Doña Ana Co.

Robert Newcham

In this cause, the Attorney General having been retained for the defence, the Court appointed R. A. Thompkins Esqr. to prosecute upon the part of the Territory.

Kirby Benedict Esqr. an Attorney of this Court now presented various certificates to the membership of Herman H. Heath of the Bar of Iowa, and of the District Court of this Territory, and in this behalf moved the Court for the admission of the said Herman H. Heath as a member of this Bar. And the Court being fully advised in the premises, and the said Herman H. Heath being duly sworn to support the Constitution of the United States, and well and faithfully to demean himself as a member of this Bar,

It is ordered by the Court that the said Herman H. Heath be admitted upon said motion, to practice as an Attorney and Counsellor at Law and Solicitor in Chancery as well in this, as in the District and other inferior Courts of this Territory.

The Marshal now presented Santiago Baca, who was duly sworn as a Bailiff of this Court during the present Term.

Court then adjourned until Thursday morning at 10 o'clock.

J. Houghton Asst. Justice
P. L. Rocchus. Asst. Justice

9th Day. Thursday January 16th 1868.

Court met pursuant to adjournment, present as on Tuesday. The Record of Tuesday was read and approved.

Nasario Archuleta, Applnt.
vs. } Appeal from Rio Arriba Co.
Francisco Mestas - Aplee. } First Judicial District.

This cause is continued until the next Term of this Court.

Epifanio Aguirre - Apllnt.
vs. } Appeal from Socorro County
Rafael Luna - Aplee. } Second Judicial District.

It appearing to the Court that the Transcript in this case is incomplete,

It is ordered that it be continued until the next Term of this Court with rule upon the Clerk of the Second Judicial District to perfect the Record herein.

Daniel Green - Aplnt.
vs } Appeal from Valencia County
The Territory } Second Judicial District.

This cause is continued until the next Term of this Court.

Anson Comstock v Son

30 vs

Anastacio Banda } Appeal from Dona Ana Co.
This Judicial District.

This cause is continued until the next Term of this Court.

Court then adjourned until tomorrow morning at 10 o'clock.

J. Houghton Ass't. Just.
P. E. Broaches

10th

Friday, January 17th 1868.

Court met pursuant to adjournment. present as on yesterday. The Record of yesterday was read and approved.

There being no business to transact Court then adjourned until tomorrow morning at 10 o'clock.

J. Houghton Ass. Justice
P. E. Broaches Dep. Sec.

11th Day. Saturday January 15th 1915.

Court met pursuant to adjournment, present as on yesterday. The Record of yesterday was read and approved.

Territory

43 vs. Appeal from Third Judicial District
Robert Newsham

For this cause, it appearing to the Court that the Record is incomplete for want of a judgment,

It is ordered that the same be sent back, with instructions to the Court below to proceed to final judgment

United States

40 vs. Appeal from Third Judicial District
Ramon Sena

This cause is continued until the next Term of this Court.

United States

41 vs. Appeal from Third Judicial District
José Feliz Ultarri

This cause is continued until the next Term of this Court.

William B. Tipton

39 vs. Appeal from Otero County
José Mant Cordova et al

This cause is continued until the next Term of this Court

Juan Chirigue et al
38 vs. Appeal from Santa Fe County
Pantalon Abeyta et als

This cause is continued until the next Term of this Court.

S. Stebbins v. Porter
37 " Appeal from Santa Fe County
Thomas McDonald

This cause is continued until the next Term of this Court.

Court then adjourned until Wednesday the 22d inst. at 10 o'clock a.m.

J. W. Boyle Clerk
P. E. Brocchus, Asst. Clerk.

12 Days. Wednesday, January 22d 1868

Court met pursuant to adjournment present as on yesterday. The Record of yesterday was read and approved.

It is ordered that the following additional allowances be made, towit:

S. B. Elkins U. S. Dist. Atty.	10 Days.	@	$5.	$50.
John Pace U. S. Marshal	10	"	" 5.	50.
Peter Connelly Clk. Sup. Court	10	"	" 5.	50.
Peter Connelly Interpreter	10	"	" 5.	50.
Jose D. Sena Sheriff	10	"	" 4.	40.
Jose D. Sena U.S. Com	10	"	" 2.	20.
Henry G. Carson Asst. Bailiff	10	"	" 2.	20.
Manuel Sarraya "	10	"	" 2.	20.
Santiago Baca "	10	"	" 2	20
Rent of Court Room	10	"	"	
Fuel for Court				

Court then adjourned until tomorrow morning at 10 o'clock.

J. Mayhew Asst. Justice
Asst. Justice
P. Broeckes Asst Jus

133 Day

Thursday, January 23d 1868.

Court met pursuant to adjournment, present as on yesterday. The Record of yesterday was read and approved.

There being no further business before the Court, it was ordered that it now adjourn until the next Court in course.

J. Mayhew Asst. Justices
P. Broeckes Asst Justices.
Asst. Jus.

Saturday August 8th A.D 1868

Territory of New Mexico

Whereas Peter Connelly the clerk of the Supreme Court for said Territory has left the Territory not to return, which has caused a vacancy in said office, Therefore, we the undersigned Judges of the Supreme Court for said Territory do hereby appoint Samuel Ellison Clerk of the Supreme Court of the Territory of New Mexico

Given under our hands and seals at Santa Fe this Eight day of august A.D 1868

(signed) John S Watts
chief Justice.

(signed) J Houghton
Associate Justice

Las Vegas N. M. September 14th 1868.

Hon. John S. Watts.
Chief Justice of the Supreme Court
Territory of New Mexico.

Dear Sir.

I hereby tender this my resignation as United States Commissioner for the county of San Miguel, for the reason that about the 28th of this Month I will remove from New Mexico, to the State of Kansas. Very respectfully Your Ob't Servt.

(Sgd) J. O. Fuhlburg Ud. Comr.

This resignation was accepted by me this 24th day of September 1868.

(Sgd) John S. Watts, Chief Justice
" J. Houghton Ass't. Justice

Santa Fe, N. Mex
Sept 25th 1868.

The undersigned Chief Justice and Associate Justice of the Supreme Court of the Territory of

Friday September 25. 1868

New Mexico, ds Henry Aspinwall Executor,
&c. Jennings Executor &c. Administrators for
the Counties of San Miguel and Mora in
the District of New Mexico, in the place
of Sr. O. Stallings resigned,

(Signed) John S. Watts, Chief Justice
" A. Houghton Ass. Justice

September 26th 1868.

No. 1. In the Matter of
Benjamin F. Berry, } In Bankruptcy.

The Chief Justice being engaged holding
Court, in Rio Arriba County at the time appointed
to hold the Meeting as published herein, the
Case was Continued until the 28th instant.

In the Matter of
A. Seaman & Bro } In Bankruptcy.

The Chief Justice being engaged holding
Court, in Rio Arriba County at the time appointed
to hold the Meeting as published herein, the
Case was Continued until the 28th instant.

In the Matter of
George A. Ross } In Bankruptcy.

The Chief Justice being engaged holding Court
in Rio Arriba County at the time appointed to
hold the Meeting as published herein the Case
was Continued until the 28th instant,

September 28th 1868

Present.

Hon John S Watts Chief Justice &c.
" Sohn Houghton Associate Justice &c.
Hamno Elbein Clerk

In the Matter of }
Benjamin P. Searey } In Bankruptcy.

Now on this day Comes W. Barnard Counsel for the Estate of the Bankrupt and Assignee. & the Court the death of Benjamin P. Searey the petitioner herein and moves the Court to make Nancy Elizabeth Searey, his wife party herein in lieu of the said petitioner, which motion is granted by the Court, and this Cause is Continued until Saturday the third day of October next,

In the Matter of }
A. Saxman & Bro } In Bankruptcy.

John Cooper Esq the Assignee herein not appearing & render his account in this Cause. It is ordered that this Cause be continued until the third day of October next.

In the Matter of }
George A. Ross } In Bankruptcy.

At the Supreme Court room in said County on the twenty Eighth day of September A.D. 1868

This Cause came on to be heard at Salt Lake in said County before the Honorable John S. Watts Chief Justice and John Houghton Associate Justice of the Supreme

Court of the Hearing of Mess. Brewer,
M. Ashmead Kneland & Ormond for
the Bankrupts, and Thos. Shepherd Esqr.
Counsel of the proofs in said Cause
It was found that the facts set forth in said
petition were true, It is therefore adjudged that
said George A. Ross became Bankrupt
within the true intent and meaning of the Act
Entitled An Act to establish a Uniform System
of Bankruptcy throughout the United States
passed March 2nd A.D. 1867, before
the filing of said petition, and that he therefore
declared and adjudged a Bankrupt
accordingly, and was discharged from
all liabilities on account of any of the debts
existing at the time of the filing of his petition
and included in Schedule "A" and filed therewith

Signed John D. Watts
Chief Justice
A. Singleton
Asst Justice

Dr. The Estate of
George A. Ross. "Bankrupt"
In Account with
Chas Brewer "Assignee"

To Traveling Expenses from Bay St Louis and back 150 miles and Expenses in Court to Attach final return as Assignee		$50.00
" In this & the Courts of Fees on Issuing of said Estate		10.00
" Attorneys fees in making Petition & Order		15.00
" Percentage and Allowance to Assignee On Proceeds Received after paying the Attorneys		85.12
" Publication of Notices & Petitions & Settlement		25.00
" Each days attendance on Court after Petition of Five Dollars per Diem		40.00
		$225.12

Cr. By Amount received from the Bankrupt. £ 1145.00
" " " Debts Uncollected 800.00
£ 1945.00

Signed Elias Barnard
Assignee

Sworn to and subscribed before me this 28th day of September 1868

Signed Sam[l] Eldam
Reg[r] in Bankruptcy

In the Supreme Court of the Territory of New Mexico

In the Matter of
George A Ross
Bankrupt } In Bankruptcy

The Account of the said Elias Barnard Assignee having been presented for allowance and having been examined and found correct, It is ordered that the same be allowed, and that the said Assignee be discharged according to the provisions of the 28th Section of the Bankrupt Act of March 2 A.D. 1867

(Signed) John S. Watts,
Chief Justice.
S. Houghton
Ass[e] Justice.

In Vacation - October 3rd 1868

This being the day to which the hearing of the following cases in Bankruptcy was adjourned

Present.
Hon. John S. Watts, Chief Justice &c and
" S. Houghton, Associate Justice &c
Samuel Ellison, Clerk, Deputy Clerk,

No vacation October 3rd 1868.

In the Matter of
Benjamin Searcy
Bankrupt—

In Bankruptcy—

District of New Mexico

On this 3rd day of Oct- A D 1868. before me Geo. W Griggs Register in and for said District of New Mexico and Territory of New Mexico and makes oath and says that he this deponent was on the 13th of July A D 1865 appointed Assignee of the Estate and effects of the above named Benjamin P Searcy and that as such Assignee he has conducted the settlement of said estate that the account hereunto annexed containing one sheet of paper marked letter "A" is true and such account contains entries of every sum of money received by deponent on account of the estate and effects of the above named Bankrupt and that the payments purporting in such account to have been made by deponent have been so made by him and he asks to be allowed for said payments and for charges of settlement as set forth in said account {Signed} Geo W Griggs Assignee

Sworn to and subscribed before me at Santa Fe in said District of New Mexico this 3rd day of Oct- A D 1868

{Seal Ellison} Saml Ellison
Register in Bankruptcy

In the Estate of Benjamin P Searcy in account with Geo W Griggs Assignee.

Dr

To fees on annexed list to Santa Fe court as per annexed [illegible] $ 8.00

Dr

To five days attending in said Court on said suit —	$25,00
To two days attendance at- Thornes said Bankruptcy	$ 10,00
To fees of publication of notice for discharge	$ 25,00
To attorneys fees in making out final settlement	10,00
	$ 130,00

Cr

By Cash received more of the said property - having been sold	0,00

Examined and allowed Oct-3 1868.

Signed John S Walls
Chief Justice
Robt Donaghue
Asst Justice

In the matter of
Benjamin P Searey
Bankrupt

In Bankruptcy.

At Santafe in said District on the 3rd day of Oct-AD 1868

District of New Mexico ss

This cause came on to be heard at Santafe in said County, Oct 3rd A.D. 1868 of Benjamin P Searey Bankrupt having been regularly set for a former day of this Court - And an order made that his legal representatives be made parties thereto and in appearing to the satisfaction of the Court that Nancy Elizabeth Searey his wife James Buchanan Searey Sarah Frances Searey and William Newton Searey his Children are the legal representatives of the said Estate

And thereupon and upon. Consideration of the proofs in said cause it was found that the facts set forth

in said petition were true and it-
is therefore adjudged that the estate of
the said Benjamin P Searey became Bankrupt
within the true intent and meaning of
the Act entitled an "Act to "Establish a
uniform system of Bankruptcy throu
ghout the United States" approved March
the 2nd A D 1867 upon the filing of the
said petition And he is therefore declared
and adjudged a Bankrupt - accordingly
And the legal representatives of the said
Benjamin P Searey are hereby discharged
from their liabilities existing at the time
of the filing of the petition in Bankrup
tcy herein and inchrated in Schedul
ule "A" filed therewith

Witness the Honorable John
S Watts Chief Justice and the Honorable Isaac
Houghton Associate Justice of the Supreme
Court of the Territory of New Mexico

John S Watts

(Signed) Chief Justice

I Houghton

Associate Justice

In Supreme Court January Term 1856.

At a regular Term of the Supreme Court for the Territory of Arizona held at the Court House in the City and County of Santa Fé on the first Monday of January A.D. 1856.

Present.

Hon. John S. Watts, Chief Justice of the Supreme Court Territory of N. Mx.
" Joab. Houghton, Associate Justice
" S. S. Ellis, Esq. Act. District Attorney
A. Bennett Esq. Attorney General Territory N. Mx.
John Pre. Esq. Act. Marshal for
District of New Mexico -
José D. Sena, Sheriff of Santa Fé County
Samuel Ellison, Esq. Clerk Supreme Court,

The Marshal now announces Stevens Baylor Bailiff and José D. Sena Crier to the Court during its present. who affirmed and were duly sworn as such.

Samuel Ellison, was now appointed Interpreter and Translator to the Court, and duly sworn as such.

17. Daniel Green, } Appellant,
vs. } Appeal from Valencia County.
The Territory, }

It is ordered by the Court that this Cause stand continued until the next Term of this Court.

Supreme Court January Term 1869.

37. Juan Archuleta &
Guadalupe Lopez his wife.
vs.
Pantaleon Alire.
Manuel Sisneros &
Pedro Baca.

Appeal from Santa Ana County.

And now comes Mr. Ashurst Esq. and Attorney of this Court and suggests to the Court, the death of the said Juan Archuleta thereupon it is ordered by the Court, that Guadalupe Lopez, Administratrix of the ~~Estate~~ of the said Juan Archuleta be made party defendant herein. in his stead.

39. William H. Tipton, Appellant.
vs.
Jose Manuel Cordova,
Bernabe Prokelete &
Pedro Romero.

Appeal from Mora County.

Now on this day came the said parties by their Counsels and by their agreement Stipulations & Original cause of action herein it is ordered & adjudged that the appeal herein be dismissed, and that the said appellant pay the costs of this cause to be taxed

40. The United States
vs.
Warren Sloan.

Appeal from 1st Judicial District.

On motion of the Attorney for the appellee, the said appellant is ordered to file assignments of Error herein by the third day of this term.

1st Day Supreme Court, January Term 1869.

41. The United States, vs. José Felis Ulibarri } Appeal from 1st Judicial District.

On motion of this said appellee by his Counsel, the said appellants are ruled to file their assignments of Error by the third day of this term.

43. The Territory, vs. Robert Newcomb } Appeal from Doña Ana County.

It is ordered by the Court that the Clerk of this Court forward to the Clerk of the District Court, of the third Judicial District a transcript of the order made herein at a former term of this Court of Doña Ana County,

45. Jesus Jurado, vs. Jose Pablo Garcia et, Juan Garcia } Appeal from Dona Ana County.

It is ordered that this cause stand continued until the next term of this Court, the papers not having been served as required by law, in time for trial at this term

46. Louis Bandalier et, Prudencio Fernandez, vs. Charles Blumner } Appeal from Dona Ana County.

It is ordered by the Court, that this cause be continued until the next term of this court there being no record of the case of file in this Court.

1st Day Supreme Court January Term 1869.

Order changing the time for holding the United States District Court in the first Judicial District.

It is ordered by the Court that the order made at a former term of this Court fixing the time and place of holding the District Court of the United States for the first Judicial District of New Mexico be changed as to fix the time of holding said Court on the second Mondays of February and July of each year and that said Court shall continue in session until the business thereof shall be disposed of.

It is further ordered that all process orders, writs, subpoenas and recognizances returnable to the fourth Monday of February next have the same force and effect as if made returnable to the time now fixed herein.

On motion of Mr. Catron Esq an Attorney of this Court Thomas J. Conway Esq was admitted to practice as Counsellor and Attorney at Law and duly sworn as such.

Ordered that Court adjourn to meet to-morrow at 11 o'clock A. M.

John S. Watts
Chief Justice.
J. Houghton
Asso. Justice

Fri. Sunday, 1st Supreme Court January Term 1869.

Court met pursuant to adjournment

Present as on yesterday. Except Chief Justice Elect Prosent.

16. Epifanio Aguirre, vs. Appeal from Socorro County
Rafael Chaves

It is ordered by the Court that this Cause be stricken from the docket, with leave to reinstate the same.

Guadalupe Lopez, Admrs
Estate of Juan Archibeque dc
38. vs. Appeal from Santa
Plantation Alexander Ana County,

It is ordered by the Court that pleadings in cause be filed herein at the opening of Court to-morrow morning.

Victor Garcia
41. vs. Appeal from Bernalillo County
The Territory

This day came the said Territory by her Attorney General, and moves the Court to dismiss the appeal herein, which motion is set for hearing on to-morrow morning at the opening of Court.

He heretofore appointed Jesus Ma. Otero, Bailiff to the Court, who was duly sworn as such.

Ordered that Court adjourn until to-morrow at 10 o'clock A.M.

Kirby S Watts
Chief Justice
F. Worthington
Asso. Justices

31st Ap. Supreme Court January A.D. 1867.

Court met pursuant to adjournment.

Present as on yesterday.

José Dolores Pino was re-sworn Bailiff to this Court, who reported his acts duly done as such.

Stokes & Porter,

37. vs. Appeal from Harris
Thomas H. Gonzales Jr. County.

By agreement of parties by their Counsel this Cause is set for argument on Monday next.

Lindale Lupey adm'x,

38. vs. Appeal from Santa
Pantaleon Incarnate Cruz County.

By agreement of parties by their Counsel this Cause is set for argument on Tuesday next.)

Orders that Court adjourn until 10 o'clock A.M. to-morrow.

Wm. G. Webb,
Chief Justice.

J. Houghton
Asst Justice

4th Day. Thursday, January Term 1869.

Court met pursuant to adjournment.

Present as on yesterday.

Acacia Jarvis
vs.
Ira Tenney Jr. et al } Appeal from Ormsby County.

The defendants by his Counsel, moves files his exceptions of Errors herein.

Ordered that Court adjourn until 10 o'clock A. M.

John F. Watts
Chief Justice
J. Houghton,
Assist Justice

5th Day. Friday, January 8th 1869.

Court met pursuant to adjournment.

Present as on yesterday.

Wilson Connelly & Son,
vs. } Appeal from Ormsby
Charles Bonelli } County.

The Chief Justice having been of Counsel in one branch of the Cause in the District Court, declines to sit on said Cause in this Court. And the Cause to stand over. And until the next Term of this Court, for want of a quorum of Judges Transferred to try the same

3rd Day. Friday January 8th 1869.

Ordered that Court adjourn until Monday the 11th instant, at 11 Oclock A. M.

John G. Watts
Chief Justice
J. Hoyt Brown
Asst Justice

4th Day. Monday, January 11th 1869.

Court met pursuant to adjournment

Present as on Saturday -

37. Stephens & Rollins, vs. Thomas McDonald } Appeal from Travis Co 2d Court.

By agreement of parties hereto by their Counsel the argument of this Cause is set for 10 o'clock A.M. this day of this term of Court.

Mr. Ashworth Esq. the Attorney of this Court now presents the name of E. G. Newton Esq. as an applicant for Admission to the Bar, and asked that a Committee be appointed to examine him and report to the Court as to his qualifications

Whereupon the Court appointed as such Committee, Messrs. Rollins & Temple Sims and Stiles

42. Antonio Noriega et al vs. Jose In. Garcia } Appeal from Travis County.

This cause came on to be heard before the members of the Supreme Bench by

7th Day. Monday, January 11th 1869.

S. B. Elkins his Attorny, to dismiss the
appeal herein for want of prosecution
on part of said appellant, and the
said appellant being called came not but
made default, and no one appearing for
this Court to prosecute said appeal
It is therefore considered by the Court
that said appeal be dismissed, and
the judgment in the Court below be
and the same is hereby affirmed. And
that the Clerk of this Court transmit to
the Clerk of 3d Judicial District a
copy of this order

Jesus Cabeza de Baca
42. vs. } Appeal from 3d
The United States } Judicial District.

By agreement of said parties by their Counsel
the appeal herein is dismissed, and the ap-
plication of said appellant for a writ of
Error is granted by the court, made returnable
to the next term thereof, to which term said
Cause stands continued.

Ordered that Court adjourn until to morrow
at 10. Oclock A. M.

John S. Watts
Chief Justice
J. Kingsbury
Asso. Justice

8th Day, Tuesday, January 12th 1869.

Court met pursuant to adjournment

Present as on yesterday.

Stephens & Porter

37. vs. } Appeal from Cass Co.

Thomas, McDonald } Court.

By agreement of parties by their Counsel the argument of this cause is continued until to-morrow.

The Committee to whom was referred the application of Edward S. Stanton for admission to the Bar, now reported that they had examined said applicant touching his qualifications as a Lawyer and from said examination would respectfully recommend his admission to the Bar.

And it appearing further to the Court that the said Edward S. Stanton is of good Moral Character, and in all other respects qualified according to the Statute in such case made and provided, did the said Edward S. Stanton, being thereupon sworn, to support the Constitution of the United States, and in all things demean himself faithfully and honestly as an Attorney and Counsellor at Law and Solicitor in Chancery.

It is ordered that the said Edward S. Stanton, be admitted to practice as an Attorney and Counsellor at Law, and Solicitor in Chancery in the Several

6th Day, Tuesday, January 12th 1869.

Courts of this Territory,

Whereupon it is ordered by the Court that
Court adjourn until to-morrow at 10 o'clock A.M.

John S. Watts
Chief Justice
J. Wrightson
Asst. Justice

7th Day, Wednesday, January 13th 1869.

Court met pursuant to adjournment.

Present as on yesterday,

On motion of Jr. Ashurst Esq, an Attorney of this Court, Thomas B. Catron, was admitted to practice in this Court, as an Attorney and Counsellor at Law, and was duly sworn as such.

40. The United States, vs. Barron Sena } Appeal from 1st Judicial District.

This day came the said plaintiff by their Attorney, and says to the Court that they will not further prosecute their said appeal but dismiss the same.

It is therefore considered by the Court that said appeal be and the same is dismissed, at appellants cost.

1. Day. Wednesday, January 13th 1869.

The United States.

41. vs. } Appeal from 3rd
Jose Inés Ulibarri } Judicial District.

And now comes the said Appellant by their District Attorney, and dismiss their appeal herein. It is therefore considered by the Court, that said appeal be dismissed at appellants costs.

The United States }
48. vs. } Appeal from 3rd
Jose Jesus Vaca } Judicial District.

By agreement of the said parties by their Attorneys, the transcript herein is ordered to be filed, and the cause to be set for hearing as of this day, as though this appeal herein had been duly set for and granted in the Court below, at the time at which Judgment was rendered in this cause.

Stevens & Porter, Appellees.

37. vs. } Appeal from Santa
Romeo M. Abeyta } Fé County.

This cause having been set down for argument at a former day of this term, was now argued by R. H. Tompkins Esq. for appellants, and S. B. Stevens Esq. for appellees, and there not being time to conclude the arguments herein on this day the same is continued until to-morrow.

Ordered that Court adjourn until 10 o'clock a.m. to-morrow.

John S. Watts
Assoc. Justice
S. Hempstead
Assoc. Justice

11th Day. Tuesday, January 14th 1868.

Court met pursuant to adjournment

Present as on yesterday.

48. The United States. vs. Jose Juan Cueva } Appeal from Northern District.

And now came the said appellants by their Attorney and file their assignment of Errors herein, and the appellee, his joinder thereto.

Stokes & Porter.

37. vs. Thomas McDonald } Appeal from Santa Fe County.

The argument of Counsel being concluded herein, the same is now submitted to the Court, and the Court being fully advised as to their judgment herein, to take the same under advisement.

Nestor Garcia. Appellants

47. vs. Appeal from Bernalillo.

The Governor, Appellee } County.

By agreement of said parties & their Attorneys this cause is submitted to the Court, for its judgment herein, without argument and the Court not being fully advised in the premises, to take the same under advisement.

Guadalupe Lopez Admr &c

38. vs. Appeal from Santa

Pantaleon Luna } Fe County.

This cause is set for argument on the opening of Court on to-morrow morning.

10. Day. Tuesday. January 14th 1868.

The United States, Appellee.

44. vs. Appeal from 4th Jud'l Dist.

José Juan Vecino, Appellant. Judicial District.

This cause is set down for argument on to-morrow.

Ordered that our Adjournment be to-morrow at 10. O'clock A. M.

John L. Watts
Chief Justice
J. Hemphill
Asst. Justice

11. Day. Friday. January 15. 1869.

Court met pursuant to Adjournment

Present as on yesterday.

Victor Garcia, Appellant

47. vs. Appeal from 2d Judicial

The Division Attorney, District, Bernalillo County.

This cause having been argued by counsel & the Court being fully advised in the premises the opinion of the Court is now rendered by C. J. Watts, affirming the sentence of the Court below— And that the Sheriff of Bernalillo County is ordered to execute the judgment rendered in this cause by the Court below. On Tuesday the Fourth day of January 1869, and that the said Garcia be confined in the County Jail until the costs of this prosecution are paid and the sentence fully complied with, and that a duly certified copy of this order be

11th Day. Friday. January 15th 1869.

sent to the Sheriff of Bernalillo County and the Clerk of the United States District Court for the second Judicial District, under the seal of the Clerk, of this Court, which shall be ample Authority, to the Sheriff of Bernalillo County for the execution of this judgment of the United States District Court for the second Judicial District herein, now affirmed by this Court.

On motion of Mr. Schumt Esq, an Attorney of this Court, Henry Helgert Esq, was now admitted to practice in this Court, as an Attorney and Counsellor at Law, and was duly sworn as such.

38. Guadalupe Lopez
Administratrix &c,
vs. } Appeal from Santa
Pantaleon Luna et al } Fe County.

By agreement of the said parties by their Counsel, the argument of this cause is set for Monday next the 18th inst.

48. The United States,
vs. } Appeal from the First
Jose Juan Vigil et al } Judicial District.

By agreement of the said parties by their Counsel, this cause is set down for argument, on Monday next the 18th inst.

49. The United States,
vs. } Appeal from First
Ramon Hernandez } Judicial District.

By agreement of the said parties by their Attorneys, the transcripts herein

11th Day. Friday, January 15th 1869.

is ordered to be filed, and the same be taken as confirmed, as though the appeal had been taken for and granted in this cause in the court below.

Ordered that Court adjourn until Monday next at 10. o'clock A. M.

Wolcott S. Watts
Chief Justice
J. Houghton
Asst. Justice

13th Day. Monday, January 18th 1869.

Court met pursuant to adjournment
Present as on Friday last the 15th inst

Guadalupe Vigil
Administratrix &c.
vs.
38, Pantaleon Luna,
Manuel Biscara,
Eldon Baca
} Appellants.

Appeal from Valencia Co.

And now on this day this cause duly argued by Counsel on both sides and the Court not fully advised in the premises further time is granted

The Territory
vs.
48, Jose Juan Otero
} Appeal from Dona Ana Co.

By agreement of parties

63rd Day, Monday, January 16th 1869.

Parties by their Counsel, the Argument of this Cause is set down for argument at the opening of Court to morrow —

It is ordered by the Court, that, Owing to the numerous violations of the revenue and other laws of the United States within the Territory of New Mexico, and with a view of affording speedy relief to large numbers of persons held as slaves and Indians held as Slaves therein, pursued holding Slaves a violation of the Act of Congress passed April 9th 1866. known as the Civil Rights Bill.

Therefore, under and by virtue of the powers of Acts of Congress, and the provisions of said Civil Rights Bill. It is ordered by the Court that William M. Griffin, Lazarus Ellis and Edward Thompson, be reappointed, United States Commissioners, within and for said Territory of New Mexico—

Whereupon it is ordered, that Court adjourn until to-morrow at 10 o'clock A. M.

John S Watts
Chief Justice.

J. Houghton
Ass't Justice

14th Day. Tuesday, January 19th 1869.

Court met pursuant to Judgment.

Present as on yesterday.

37. Thomas Mc Donald: Appellant.
vs. } Appeal from
Charles M. Stebbins-et, } Santa Fé County.
Henry M. Porter } Respondents—

This Cause having been submitted to this Court on argument of Counsel, and Briefs filed herein, as aforesaid day of this Term, and taken under advisement by this Court, and this Court now duly fully advised in the premises, affirm the Judgment of the Court below, and direct that the said plaintiffs in the Court below have execution on said Judgment against said defendant for the sum of five hundred and ninety dollars and Costs, in this Court and the Court below without interest or damages

Opinion delivered by Chief Justice Watts, which is ordered to be filed and recorded

48, The United States. } Appeal from 1st Judl.
vs. } District.
Jose Juan Chavez

This Cause having been set down for Argument on this day was now argued by S. B. Elkins, Esq on the part of the Appellees, and there not being any one to argue the Cause on the part of the Appellant

Ordered that Court adjourn until to-morrow at 10 o'clock A.M.

John S. Watts Chief Justice

S. B. Elkins Associate Justice

15th Day. Thursday, January 28th 1869.

Court met pursuant to adjournment.

Present as on yesterday.

The United States,

48. vs. } Appeal from the
Jose Juan Cueno } 1st Judicial District.

And now on this day came again the said parties by their Counsel, and the Court now being engaged by the Argument of the Appeal, and by S. B. Elkins Esq on the part of the Appellants, and the Court not being fully advised as to the judgment, they ought to render in this Cause until the same under advisement.

Ordered that Court adjourn until to morrow at 10 O'clock A.M.

John S. Watts
Chief Justice
J. Houghton
Asst. Justice

16th Day. Thursday, January 28th 1869.

Court met pursuant to adjournment.

Present as on yesterday.

Francisco Montes, } Appeal from
vs. } 1st Judicial
Jesus Archuleta } District Court.

This day came the said Appellant by his Counsel Jno. Watts & Co., and the

16 Day, Thursday January 21. 1869.

Thought Called Comment, nor does any person appear to defend this appeal, Whereupon the said appellant submits this appeal to the Court, upon the transcript and assignments of Error without argument, and the Court not being fully advised as to the judgment they ought to render herein, take the same under advisement.

Whereupon Court adjourned until Monday next the 25. instant at 10. Oclock A. M.

Hon. J. Watts
Chief Justice.
J. Hamilton
Ass't Justice.

18. Day, Monday, January 25. 1869,

Court met pursuant to adjournment.

Present as on yesterday.

The Court not being ready to render their decision in cases submitted.

It is ordered that Court adjourn until to-morrow at 10. Oclock A. M.

Hon. J. Watts,
Chief Justice,
J. Hamilton
Ass't Justice

19th Day. Tuesday, January 21st 1868.

Court met pursuant to adjournment.

Present as on yesterday.

48. The United States, Plaintiff in Error,
vs. } Debt on Statute.
José Juan Vieno

This cause having been submitted to the Court on argument of Counsel, and Briefs filed herein, and the Court being sufficiently advised in the premises, affirm the decision of the District Court, for the First Judicial District of Santa Fé, Territory of New Mexico. And order that the Costs herein be taxed against the plaintiff in Error.

48. The United States,
vs, } Debt on Statute.
José Juan Vieno

And now again come the said plaintiff by D. B. Shumway, and pray an appeal to the Supreme Court of the United States. which is granted by the Court.

49. The United States,
vs, } Appeal from First
Ramon Hernandez, Judicial District,

By agreement of said parties by their attorneys, this cause is continued until the next Term of this Court.

Associate Justice Perry E. Brocchus, was not present during the present Term of this Supreme Court, which [illegible] the determination of several cases, which might have been disposed of by him if he had been

19. Day. Tuesday. January 26. 1864.

So he suposed, that it is now than ever since a full Bench has been in attendance at the Supreme Court, and Courts of the District Courts are held, on account of the absence of the Judge of one of the Districts, and other Judges at much expense and inconvenience are compelled to leave their District and hold the Courts of the absent Judge. This Court at the Conclusion of its Term session, feel compelled to notice the absence of Officials matters Breeches, without any notice to the Court, as to his leaving or return, or whether with or without the sanction of the Attorney General, this Court most respectfully calls the attention of the Attorney General to the Importance of his enforcing the law, as to stop the leg of Judges who leave the Territory, without permission, and pay the amount so stopped to the Judge who holds his Courts during such absence. It is ordered that a Copy of this Statement be forwarded by the Clerk of this Court to the Attorney General.

In the Supreme Courts of the Territory of New Mexico
District of New Mexico

In the matter of
Edward J. Deering
Bankrupt. } In Bankruptcy

District of New Mexico, ss:

Whereas Edward J. Deering has been duly adjudged a Bankrupt, under the act of Congress, entitled "an uniform System of Bankruptcy throughout the United States, and it has been [illegible]

able the requirements of law in that behalf, it is therefore ordered by the Court that said Edward J. Deing, be forever discharged from all debts and claims which by said act are made provable against his estate, and which existed on the twenty third day of October A.D, One thousand eight hundred and sixty eight, on which day the petition for adjudication was filed by him; excepting such debts if any, as are by said act excepted from the operation of a discharge in Bankruptcy.

Given under our hands and the seal of the Court at Santa Fé, in the said district, this twenty sixth day of January, in the year of Our Lord one thousand eight hundred and sixty nine

Signed John S. Watts
Chief Justice of the Supreme Court

Seal of the Supreme Court

Signed Joab Houghton
Associate Justice of the Supreme Court

The Estate of
Edward J. Deing "Bankrupt"
In account with
John P. Pinque "Assignee"

To	Publication of notice as Assignee	$ 7.00
"	Cost of printing and forwarding notices to Creditors	3.50
"	Amount paid for owning Bond	5.00
"	Services as Assignee	15.00
		$ 30.50

Signed John P. Pinque
Assignee

Sworn to and subscribed before me this 25th day of January 1869

Signed Jas. L. Ellison
Register in Bankruptcy

19. Day. Tuesday. January 26.th 1869.

Ordered that Court adjourn until to-morrow at 10. O'Clock A.M.

Volney S. Watts
Chief Justice.
J. Houghton
Asst. Justice

20th Day. Wednesday, January 27th. 1869.

Court met pursuant to adjournment

Present as on yesterday

Guadalupe Lopez,
Administratrix of the
Estate of Juan Archibeque dec'd
vs.
Pantaleon Luna,
Manuel Biscara &
Pedro Baca

38, } Appeal from Santa Fé County.

This cause having been argued by Counsel on the 25th inst. adjourned, the decision of the Court is now delivered by Justice Houghton, and the judgment of the Court below is affirmed as to Pantaleon Luna, and reversed as to Manuel Biscara and Pedro Baca. It is therefore ordered and decreed that execution issue against the said defendant Pantaleon Luna alone for the amount of said judgment and the costs in this Court as well as in the Court below.

Francisco Montes
vs.
Antonio Archuleta } Appeal from Sup.t Ct. Santa Fé County

This Cause

20th Day. Wednesday, March 17. 1869.

Having been argued and submitted to the Court at a former day of this term on the transcript and assignments of Errors, the opinion of the Court is now delivered by J. Houghton and it is ordered that this cause be remanded to the District Court for this Territory for the District of the Territory of New Mexico, for the County of Santa Fé, and that said Court is hereby instructed to overrule the demurrers to the several pleas of appellants Mariano Archuleta and Juan Trujillo, sustained in the Court below and grant a new trial as to the appellants Mariano Archuleta Juan Trujillo and Juan de Dolores Trujillo.

Juan de Trujillo et al
vs.
The United States } Supreme Court, New Mexico
} March Term, 1869.

Defendants by A. B. Elkins, their attorney pray the Court that the appeal in the above entitled cause to the Supreme Court of the United States, heretofore of record, may be dismissed for the following reasons.

1st. At the March Term A. D. 1867, when said cause was heard and determined, an appeal was asked for by the United States Attorney and granted by the Court.

2d. The clerk of the Supreme Court failed, at said term of the Court to have any entry thereof entered, that the appeal was asked for or granted by said Court, and for other good and sufficient reasons.

Law Office of A. B. Elkins.
Santa Fé, N. Mex. March 4th 1869.

Hon. S. D. Preston.
Clerk S. C.

N. Y. Dy. Monday, January 11. 1869.

Sir:

The Atty. Genl. of the U.S. directs the Dist. Court of New Mexico, to allow the record in the case of Juan B. Pigéaral, vs. the United States, to be so amended as to show, that an appeal was entered for him, to the Supl. Ct. and granted by the Dist. Court at the January Term A.D. 1867. & that three months were allowed by the Statute, for taking the appeal.

I am, Sir, very respectfully,
Your obt. Servt.
(Signd) E.B. Dutton,
Asst. Atty. Genl.

Santa Fe, January 16th 1869.

Sir:

I have just received your letter of the 11th inst. in the Juan Estate case, to be of record on appeal to the Supreme Court of the United States in the case from this District. I can make the order, but I have to refer you to the Statute, for I not only change the date, to make the entry, but I have to refer to the record and see whether any thing else is necessary to be done, to perfect the appeal. I will write you further on the subject hereafter, though I do not expect any difficulty in the matter.

Respectfully your obt. Servt.

20. Log. Indianola, January 21st 1869

Error to Circuit Court under the Organic Act, and Leonard at term brought affidavits, that Smith the appellee in open court, and that it was agreed by the Court.—— (sign) Theodore D. Wheaton Addressed.

S. B. Ellis Esq.

Statement of S. B. Ellis Esq.

Jean B. Vigil et als.
vs.
The United States } In Supreme Court
} Nov Term A.D. 1869.

S. B. Ellis, States that he was, an Attorney of the Supreme Court, of said State, on the Jan Term A. D. 1867. that a certain a judgment order was rendered in said cause in favor of complainants. that he was present in said Court, & heard its decision, and remarks that Theodore D. Wheaton Esq, U.S. District Attorney for said District, his associate, asked for an appeal, & the Supreme Court of the United States, which was granted by the Court, He further states, that after he was informed as U.S. Dist Atty, was told Theodore D. Wheaton said Wheaton after stated to him that he had taken an appeal in said cause, and desired that transcripts should be duly made out & forwarded to the Clerk of the Supreme Court of the U.S.

He further states that the Hon. Hy Ory Stubbs then one of the Associate Justices of said court, after said decision was announced, took the papers in said cause for the purpose, as he stated, of writing the opinion of the court, & retained them in his possession, & from under the control of the clerk of the Court for about or near one year. (sgd) S. B. Ellis.

30. Day. Wednesday January 23rd 1867.

The Legal Representatives
of Jesus M. Figel, deceased
Antonio Jose Ortiz &
Solomon Hanes.

vs.

The United States

This cause was heard at the
January Term of the Supreme Court of New Mexico
A.D. 1867
I was present as Associate Justice
but having been of Counsel for Plaintiffs,
could take no part in the proceeding had
in the case. Chief Justice Slough and Asst
Justice Kirkpatrick presiding, the Cause was adjudicated in favor of the Plaintiffs.

As much as Doña Gertrudis Barceló
de Ortiz, J. D. Shelton Esq. Ass. District Attorney, requested the Court to consider him as
acting for an appeal. The Chief Justice
refused that the appeal would be granted
for Mr. Shelton, then in effect observed, that by
the Statute he had one year in which to take
his appeal, which afforded him ample
time to communicate with the Attorney
General on the subject.
I recollect nothing further on the subject
January 23rd 1867.
(Signed) J. Houghton, Asst. Justice

Santa Fé, N. M. Jan 23rd 1867.
U. S. Watts, Esq
U.S. Dist Attorney
Sir;
In answer to your inquiry as to what
costs Judges, in the Supreme Courts, of the
Territory, returned to the case of Jesus M. Figel
and others - vs. The United States

N.Y. Bay. Wednesday January 9th 1867.

To state that I was present in the Supreme Court of this Territory at the January Term A. D. 1867, of said Court, when the Judgment in said case was pronounced by Chief Justice Hough, against Theodore J. Pigeon et al.

At the time of the announcement of said Judgment, Theodore J. Pigeon Esq. the then District Attorney for the United States, asked for an appeal to the Supreme Court of the United States, or rather announced that he should appeal from the said Judgment. Chief Justice Hough refused that the appeal would be granted the District Attorney then said, that he had one year to perfect the appeal, and that he could do so whenever giving bonds. The Court replied that it was so, this is my recollection of what took place on the trial.

Respectfully

Your obedient servant,

(Sign) Jno. Ackuff,

Atty General of the Ter.

To Jean B. Pigeon et al,

vs Suit for Confirmation &c.

The United States } Etc. to Case.

In this cause in consequence of the Chief Justice and Associate Justices now present having been of Counsel in this case, and there being no Judge present competent to sit on the case, the motion and proof in support thereof presented to the Court by the United States District Attorney, is ordered to be filed, and spread upon the record, and a certified copy of the same transmitted by the Clerk of this Supreme Court of the United States, for such action order or Judgment, in the premises as said Court

3d Day. Wednesday January 27th 1869

may think proper, as this Court for the reason
above stated. Cannot proceed upon the motion.

It is ordered by the court that the following
allowances be made to wit:
To the Marshall for Attorney $31.50,
To Jesus Mr. Ortiz for 20 days attendance
as Bailiff to this court, $40,00
To Jose Dolores Ortiz as Bailiff
19 days attendance 38.00,
To the Marshal for fees 9.80.

Ordered that Court adjourn until to morrow
at 10 O'clock A. M.

Attest J. Mathews
Clerk Justices,
J. Houghton
Asso. Justice

3d Day. Thursday, January 28th 1869.

Court met pursuant to adjournment

Present as yesterday

It is ordered by the Court that the following
allowances be made to wit,
To the Deputy Marshal D. F. Thompson 20 days $40.00,
To Luke Scott, Bailiff 1 day, 2.00
To Thomas Coghlan 21 days as Bailiff $42.00
Asst. Marshal,
To the Marshal for serving Subpoenas -
twenty two days, atty Jose Ortiz -
To Jose D. Ortiz as Interpreter
Court 9 days - $18.00
To Jose D. Ortiz Interpreter, $9.00

Dist. Ct. Thursday January 28th 1869.

To Jane D. Sims, Sheriff for 21. days attendance on this court, to the 28th inst. $84.00.
To Samuel Ellison clerk 21. days. $105.00
To Samuel Ellison clerk and Interpreter and Translator to this court five dollars per day. $105.00.
To S. B. Ellison Esq. as Dist Attorney for 21. days at $5.00 per day. $105.00

Jean B. Figuel et als,
vs. } Suit for confirmation of
The United States Title to land.

It is ordered by the court, that the Clerk of this court in certifying the proceedings in this Case, carefully examine the record in this Cause, and certify any entry applying for and appeal and granting of the same by the court appears upon the record.

It is ordered by the Court that business now otherwise disposed of stand continued to the next term of this Court, to which time this Court stands adjourned

John S. Watts
Chief Justice
J. Hoyt Wrightson
Assoc. Justice

Wednesday February 10th 1869

In Vacation

Present- Hon. John S. Watts. Chief Justice

&c

Samuel Ellison Clerk

In the Matter of
William S. Strachan
Bankrupt- } In Bankruptcy

On application of Mr. Ashurst Esq. Atty for above named Bankrupt. The first meeting of the Creditors in said case, and the appointment of Assignee, is set for Wednesday next 17th inst. Adjourned until the 22d July

Monday Feby 22d 1869.

Present Hon John S. Watts Chief Justice &c
" D. Houghton, Assc. Justice &c
In the Matter of
William S. Strachan } In Bankruptcy
Bankrupt }

Wednesday came the said Bankrupt by his Attorney Mr. Ashurst Esq. as also the Messrs Wheelwright Mitchell Marmon and Judge Chaves Messrs appointed Assignees herein,

Santa Fé, May. 15th. 1869.

In Vacation.

Present,
Hon, John S. Watts, Chief Justice
" D. Houghton, Associate Justice,
Samuel Ellison, Clerk,

Whereas, at an adjourned meeting of the Creditors in the Matter of William S. Strachan, Bankrupt, the Judge

In Vacation, Court to 3d, May 15. 1869.

Creditors present and duly represented
Thomas Felipe Chavez and Melchoir Trujillo
of the County of Bernalillo Territory of New
Mexico, Assignees of the estate and effects
of the said Bankrupt, and that the said
Felipe Chavez and Melchoir Trujillo decline
to accept said appointment.
The Judge present appointed Frederick
Rosenthal, assignee of said Bankrupt

In Vacation

United States of America
Territory of New Mexico } ss

William Breeden of the County of Santa Fé Territory aforesaid is hereby appointed, Clerk of the Supreme Court of the Territory of New Mexico, Subject to the Concurrence of one of the associate Justices of Said Court, Viz Samuel Ellison

Given under my Hand at Santa Fe New Mexico, this 25th day of September A. D. 1869

(Signed) J. G. Palen
Chief Justice of the Supreme Court of the Territory of New Mexico

I Concur in the above
(Signed) Hezek. S. Johnson
Associate Justice of the Supreme Court of the Territory of New Mexico
Albuquerque N. Mx.
September 27th 1869

I William Breeden of the County of Santa Fé, having been appointed Clerk of the Supreme Court of the Territory of New Mexico, do Solemnly Swear that I have never voluntarily borne arms Against the United States, Since I have been a Citizen thereof, that I have voluntarily given no aid, Countenance, Counsel or encouragement to persons engaged in Armed hostility thereto, that I have neither Sought nor accepted nor attempted to exercise the functions of any office

In Vacation.

Whatever, under any authority or pretended authority in hostility to the United States that I have not yielded a voluntary Support to any pretended Government, Authority, Power or Constitution within the United States hostile or inimical thereto, and I do further Swear that to the best of my Knowledge and Ability I will Support the Constitution of the United States against all Enemies foreign and domestic, that I will bear true faith and Allegiance to the Same, that I take this Obligation freely without any mental reservation or purpose of evasion; and I do further Swear that I will faithfully perform to the best of my Ability all the duties of the office upon which I am about to enter, So help me God—

(Signed) William Breeden

Subscribed and Sworn to before me this 5th day of October A. D. 1869.

(Signed) J. G. Palen, C. J.

In Vacation
October 29th 1869
Present
Hon. J. G. Palen Chief Justice
Hon H. S. Johnson Associate "

In the matter of } In Bankruptcy
William D. Strachan, Bankrupt }

It is hereby ordered that Santiago G. Hubbell be and he is hereby Appointed Assignee of the estate and effects of the above named Bankrupt, in place of Wm Rosenthal resigned — and it is further ordered that the above named Santiago Hubbell, Assignee in Bankruptcy of the Estate and effects of the above named Bankrupt be required to give bail with two Sufficient Sureties in the Sum of Five Thousand Dollars.

In the matter of } In Bankruptcy
William D. Strachan, Bankrupt }

On reading and filing the petition of the said William D. Strachan, duly verified, dated the 27th day of October A. D. 1869 praying for the final discharge of said Bankrupt, and on motion of R. H. Tompkins Esquire, his Solicitor, no one appearing to oppose. It is ordered, that Monday the third day of January next at ten O'clock A. M. at the Supreme Court Chamber in the City of Santa Fé, be and is hereby Assigned for the hearing of the said petition, and that the Clerk give notice by mail to all Creditors who have proved their debts, and by publication once each week, until such hearing in the Albuquerque Review, a Newspaper published in the town of Albuquerque in said Territory, to appear on the day and

In Vacation October 29th. 1869

at the place assigned for the said hearing and Show Cause why a discharge should not be granted to the said Bankrupt

In the Supreme Court of the Territory of New Mexico
October 29th A.D. 1869

Present
Hon. J. G. Palen Chief Justice
Hon. H. S. Johnson Associate Justice

Territory of New Mexico ss

The Supreme Court doth make, Ordain and Establish, the following Rules for the Regulation of the Practice in the District Courts of the said Territory, to wit:

Rule 1st.

No original paper in any Cause or proceeding, shall be allowed to be taken from the files, except as provided by Law

Rule 2nd

Whenever any pleading is filed with the Clerk of a District Court, including pleadings in Suits now pending and undetermined Such Clerk shall without delay make a true copy of said pleadings and certify the same under his hand and the seal of the said District Court, which Copy shall be preserved for the use of the Attorneys and parties in the Suit in which Such original pleading is filed, and the expense of such Copy shall be taxed in the general Costs of the Cause.

The Clerk of the Supreme Court is hereby directed to enter the order establishing said Rules in the records of the Supreme Court and Transmit to the Several Clerks

In vacation October 29th 1869

Of the District Courts Certified Copies thereof and the Rules thereby established Shall have effect in said District Courts from the time such Copies are received by said Clerks.

Supreme Court January term 1870

At a regular term of the Supreme Court for the Territory of New Mexico, begun and held at the Court house in the City and County of Santa Fe, on the first Monday of January A.D. 1870.

Present:

Hon. Joseph G. Palen, Chief Justice of the Territory of New Mexico

Hon. Hezekiah S. Johnson, Associate Justice of said Court.

Thomas B. Catron Esq. Attorney Genl. of said Territory

John Pratt Esq. U.S. Marshal for the District of New Mexico.

W. Breeden, Clerk of the Supreme Court of said Territory

Jose D. Sena Esq. Sheriff of Santa Fe County

The Marshal now appoints his bailiffs to-wit, Henry M. Davis, Marshal Breeden Andres Napier and John Agnes, and Jose D. Sena as Crier of the Court, all of whom appeared, and were duly sworn.

The Court now appoints William Breeden Interpreter and Translator to the Court, and he was duly sworn as such.

Juana Lafoyo
vs
Manuel Garcia et al

Appeal from Bernalillo County 2nd Judicial District

Now comes the said Appellant by her Counsel and files his assignment of errors herein.

1st day Supreme Court January term 1870.

Seligman & Bro. — Appeal from Santa Fe County
vs 1st Judicial District
Salvador Armijo.

The Appellants by their Attorney now file their Assignment of errors herein.

It is ordered by the Court that William Breeden, be and he hereby is appointed United States Commissioner for the first Judicial District of the Territory of New Mexico, with full power to do and perform all the duties of said office and to receive all the fees and emoluments pertaining thereto.

And thereupon the said William Breeden appeared and was duly sworn as such Commissioner

Ordered that Court adjourn until to-morrow at 10 O'clock A. M.

J. G. Palen
Hezekiah Johnson

2nd day Tuesday January 4. 1870

Court met pursuant to adjournment present as on Yesterday, and also S. B. Elkins Esq- U.S. Dist. Atty. for N. Mexico

The Record of yesterdays proceedings was read and approved

On motion of Kirby Benedict Esq. an Attorney of this Court, John Watts Esq. was admitted to practice in this Court as an Attorney and Counsellor at Law And was duly sworn as such,

58 The Territory of New Mexico } Appeal from
vs } Santa Fe County
Lucas Guero } 1st District

And now Comes the said Appellant by her Attorney General and says to the Court here that she will not further prosecute her said Appeal but dismisses the same,

It is therefore Considered by the court that the said Appeal be and is hereby dismissed.

64 Wm F. Strachan
Petition for discharge
In Bankruptcy

This Cause is set down for Hearing to-morrow morning at the Opening of Court.

2nd Day Tuesday January 4. 1870

The following rules of practice are now ordained and established by the Court, towit;

Ordered- First, that all Petitions to this Court Shall be addressed, To the Supreme Court of the territory of New Mexico-

Second- It is ordered that after signing the minutes, the hearing of motions Shall be the first business in order

56 The Territory vs Gaspar Ortiz y Alarid } Appeal from Santa Fe County 1st Judicial District

The Appellant by her Attorney General now files her Assignment of errors herein

The Territory vs Jesus Ma Sena y Baca } Appeal from Santa Fe County 1st Judicial District

57 The Appellant by her Attorney General now files her Assignment of errors herein

The Territory vs Jose Ubeita } Appeal from Bernalillo County 2nd Judicial District

60 The Appellant by her Attorney General now files her assignment of errors herein

Jesus Duesado vs Jose Pablo Garcia } Appeal from Doña Ana County

45 Juan Garcia

The appellant by his attorney now files his assignment of errors herein.

2nd day Tuesday January 4. 1870

Ordered that Court adjourn until to-morrow at 10. O'Clock A.m.

J. G. Palen

Hezekiah S. Johnson

3rd day Wednesday January 5th 1870

Court met pursuant to adjournment

Present as on Yesterday, except Hon Joseph G. Palen Chief Justice—

The record of yesterdays proceedings was read and approved.

Chief Justice Palen not being present being prevented from attending by Sickness It is ordered that Court adjourn until to-morrow at 10 O'clock A.M.

J. G. Palen

Hezekiah S. Johnson

4th Day Thursday January 6th 1870

Court met pursuant to adjournment

Present as on yesterday and Also Hon. Joseph G. Palen Chief Justice

The Record of yesterdays was read and Approved.—

51 S. Seligman Bro. vs Salvador Amigo — Appeal from Santa Fé County 1st District

The defendant by his Attorney now files his joinder in error herein

54 Juana Dafoya vs Manuel Garcia — Appeal from Bernalillo County 2nd District

And now Come the defendants by their Attorney And file their joinder in error herein—

57 The Territory vs Jesus Ma Sena y Baca — Appeal from Santa Fé County. 1st Judicial District

The defendant by his Attorney now files his joinder in error herein—

58 The Territory vs Gaspar Otty y Alarid — Appeal from Santa Fé County 1st District

The defendant by his Attorney now files his joinder in error herein—

14th Day Thursday January 6th 1870

60 The Territory } Appeal from Bernalillo
vs } County 2nd District
Jose Abeita }

The defendant by his Attorney now files his joinder in error herein

4 5 Jesus Quesada }
vs } Appeal from Doña Ana
Jose Pablo Garcia et al } County 3rd District
Juan Garcia }

The defendants by their Attorney now file their joinder in error herein

5 0 Louis Bauis }
Prudencio Bernardez } Appeal from Doña Ana
vs } County 3rd District
Charles Blumner }

The defendant by his attorney now files his motion to dismiss this Cause from this Court. for reasons set forth in said motion - which is set for hearing tomorrow morning at the Opening of Court

6 4 Wm J. Strachan
Bankrupt -
Petition for discharge

This Cause being now argued and submitted to the Court, the Court takes the Same under advisement

4th Day Thursday January 6th 1870

Juan B. Vizie et al vs The United States } Suits for Confirmation of title to land

The defendants by their District Attorney now move the Court that the Attorney for said Defendants be allowed an Appeal in this Cause to the Supreme Court of the United States be entered of record nunc pro tunc for reasons set forth in said motion.

Ordered that Court Adjourn until 11 O'Clock A.M. to-morrow

J. D. Peden
Hezekiah S. Johnston

5th Day Friday January 7. 1870

Court met pursuant to adjournment

Present as on Yesterday

52 Juanita Vasquez et al vs Lehman Spiegelberg } Appeal from Santa Fé County 1st District

The Appellants by their attorneys now file their assignment of Errors herein—

17 Daniel Green vs The Territory } Appeal from Valencia County 2nd District

Now Comes the said defendant by his Attorney General And moves the Court for a rule on the Clerk of the 2nd Judicial District Court, to send up to this Court a full and Complete record, together with the original papers in this Cause, And that this Cause be Continued until the next term of this Court

55 Wash Boyle vs The United States } Appeal from 3rd Judicial District

Now Come the said defendants by their District Attorney And move the Court to dismiss the Appeal herein, for reasons, set forth in said motion

44 Tomas le. de Baca vs The United States } Error from 1st District —

The defendants by their District Attorney, now move the Court to dismiss the Court of Error herein for reasons stated in said motion —

5th Day, Friday January 7. 1870

65 Joseph Hersch vs Francisco Lopez } Appeal from Santa Fé County 1st District

The Defendant by his Counsel now moves the Court to dismiss the Appeal herein for reasons Stated in Said motion, Which being Argued by Counsel and the Court being Sufficiently advised in the premises, Doth Rules Said motion.

65 Joseph Hersch vs Francisco Lopez } Appeal from Santa Fé County 1st District

Now Comes the Appellant by his Attorney. And Moves the Court to grant him a Continuance in this Cause until the next term of this Court for reasons Set forth in an Affidavit filed - And the Same being Argued by Counsel and the Court being Sufficiently Advised in the Premises Sustains Said motion.

It is therefore Considered by the Court that this Cause Stand Continued until the Next term of this Court, Upon the Appellants filing a good and Sufficient Appeal bond, to be Approved by the Clerk of this Court, And paying the Costs Accrued herein in this Court.

Ordered that Court adjourn until to-morrow at 11 O. Clock A. M.

J. G. Palen
Hezekh. S. Johnson.

6th Day January 8th 1870 —

Court met pursuant to Adjournment

Present as on Yesterday

The record of Yesterdays Proceedings was read and Approved —

17 Daniel Green vs The Territory } Appeal from Alameda County 2nd District —

Now Came on to be heard the motion of the defendant by her Attorney General for a rule on the Clerk of the 2nd Judicial District Court, to send up a Complete record, And also the Original papers in this Cause, And for a Continuance of this Cause until the next term of this Court Which motion is Submitted without argument And Sustained by the Court —

It is therefore ordered by the Court that this Cause Stand Continued until the next term of this Court, And that a rule issue to the Clerk of the 2nd Judicial District Court to send up a true and Complete Transcript of the record in this Cause, together with all the original papers in said Cause —

59 Henry Mitchell vs The Territory } Appeal from Bernalillo County 2nd District

The Attorney General for the Territory now moves the Court to dismiss the Appeal herein for want of Prosecution —

6th Day Saturday January 8. 1870

61 Wedes a Ollendorf — Appeal from Mora County 1st District
vs
Samuel Roosevelt

Now comes the defendant by his Attorney and files his motion to dismiss the appeal herein for reasons Set forth in Said motion.

53 Wm Koenig — Appeal from Mora County 1st Dish
vs
J. Rosenwald & Co.

Now comes the defendant by his Attorney and files his motion to dismiss the appeal herein for reasons Set forth in Said motion—

Kirby Benedict Esq. an Attorney of this Court now presents the following motion which is Sustained by the Court and ordered to be Spread upon the record, Said motion being in the words and figures following, to-wit:

This being the 8th day of January, the Anniversary of the battle of New Orleans and the triumph of American Arms over a foreign enemy, I move in the name of the Bar of New Mexico, that this Court in honor of the day, do now adjourn

Whereupon Court adjourned until Monday next at 11 O'Clock A.M.—

J. G. Palen
Reuben S. Stevenson

7th Day Monday January 10th 1870

Court met pursuant to adjournment

Present as on Saturday

The record of ~~Saturday~~ proceedings as read and approved -

Wm H. Moore
Wm L. Mitchell
vs
Gertrude E. Webb
} Appeal from Santa Fe County 1st District by Mandamus

The Appellants by their Counsel now file their assignment of errors herein -

Wm H. Moore
Wm L. Mitchell
vs
G. E. Webb
} Appeal from 1st Dist - by Mandamus

The defendant by her Counsel now files her motion to dismiss the writ of Mandamus and Appeal herein for reasons stated in said motion -

Wm Kroenig
vs
J. Rosenwald ales
} Appeal from Mora County 1st District

Now came on the motion of the defendants by their attorneys to dismiss the Appeal herein for reasons stated in said motion, which is submitted to the Court and taken under Advisement -

7th Day, Monday January 10th 1870

Weedles & Oleudorf
vs
Samuel Roosevelt
Appeal from Mora County 1st District

This Cause is now Submitted to the Court on the motion of the defendant to dismiss the appeal herein, And the same is taken under advisement by the Court—

Louis Baca &
Prudencio Benavidez
vs
Charles Blummer
Appeal from Doña Ana County 3rd Dist.

The appellants by their Counsel now file their motion for a rule on the Clerk of the third Judicial District Court to send up to this Court a perfect Transcript of the record in this Cause, and to Continue the Said Cause until the next term of this Court—

Henry Mitchell
vs
The Territory of Nuevo Mexico
Appeal from Bernalillo County 2nd District

This Cause is now Submitted to the Court, on the motion of the Territory defendant herein, by her Attorney General, to dismiss the appeal in this Cause, And Affirm the Judgment of the Court below, for reasons Stated in Said motion, And the Court being fully Advised in the premises Sustains Said motion, It is therefore Considered by the Court that the appeal herein be and is hereby dismissed, and the Judgment of the Court below is hereby in all respects Affirmed, And it is ordered that process

7th Day Monday January 10th 1870

be issued by the Clerk of this Court to enforce the Judgment of the District Court, with the Costs of this Court, and that said process run against said defendant Henry Mitchell and his Securities Juan Chaves and Jesus Gallegos

51 S. Seligman & Bro
vs
Salvador Armijo
Appeal from Santa Fé County 1st District

By agreement of the parties by their Attorneys, this Cause is set down for argument on Wednesday next at the opening of Court.

Juan B. Vigil et al
vs
The United States
Suits for Confirmation of title to Lands

The motion of the defendants by their District Attorney that the entry for and allowance of an Appeal in this Cause to the Supreme Court of the United States be entered of Record nunc pro tunc, is now submitted to the Court for its judgement, upon the papers and exhibits on file, and is taken under advisement by the Court

55 Wash Hyde
vs
The United States
Appeal from 3rd Judicial District

This Cause is now submitted to the Court on the motion of the U.S. District Attorney to Dismiss the Appeal herein for reasons stated in said motion.

J. G. Palen

7th Day, Monday January 10th 1870

Ordered that Court adjourn until to-morrow at eleven O'Clock A.M.

J. G. Palen

Hezekh. S. Johnson.

8th Day, Tuesday January 11th 1870

Court met pursuant to adjournment

Present as on Yesterday

The read of yesterday's proceedings was read and Approved -

Henry Mitchell vs The Territory of New Mexico — Appeal from Bernalillo County 2nd Judicial District

On Motion of the Attorney General it is ordered by the Court, that the entry made in this Cause on yesterday, be so Changed as to read as follows, towit; This Cause came On to be heard upon the motion of the Attorney General for the Territory to dismiss the Appeal herein for the want of prosecution on the part of the appellant, and it appearing to the Court, that the said Appellant Henry Mitchell, fails to prosecute his said Appeal It is therefore ordered by the Court that the said appeal be and is hereby dismissed and the judgment of the Court below, be and the same is hereby affirmed and that the Territory the Appellee in this Court

8th Day Tuesday, January 11th 1870

recover of the appellant Henry Mitchell the Sum of One hundred dollars, the fine adjudged against him in the District Court below together with her Costs in the said District Court As also in this Court, And that execution issue from this Court to execute the judgment herein.

And it appearing to the Satisfaction of the Court, by the bond of the appellant and the record in this Cause, that Juan Chaves and Jose Gallego are Securities upon the Appeal bond herein, It is therefore further Considered And adjudged by the Court, that the said petitory recover of the said appellant Henry Mitchell and Juan Chaves and Jose Gallego the said Securities the Sum of One hundred dollars, the fine adjudged as aforesaid As also the Costs in the Court below and in this Court, And that execution therefor issue from this Court

It is ordered by the Court, that the foregoing entry be made nunc pro tunc, as the entry of the judgment of this Court, instead of the entry made on yesterday

Appellants
53
Appellees

William Kroenig
vs
Joseph Rosenwald
Philip Strauss
Emanuel Rosenwald

Appeal from Mora County 1st District

This Cause having been Submitted to the Court on a former day of this Term on the motion of the defendants in error and appellees, by their Attorney, to dismiss the Appeal in this Cause, and Affirm the judgment

8th Day Tuesday January 11th 1870

of the Court below, with ten per cent dam-
ages, for reasons Stated in Said motion,
which motion was then taken under ad-
visement by the Court, And the Court being
now, fully advised in the premises Sustains
Said motion.

It is therefore Considered and adjudged by
the Court, that the judgment in the Court
below, in this Cause, be and the same is
hereby affirmed, with interest at the rate
of Six per Cent per annum, Since the
rendition of the same in the Court below,
On the twenty first day of August A.D.
One thousand eight hundred and Sixty
nine, And that the defendants in error and
Appellees, do also have and recover of the
Said Plaintiff in error And Appellant William
Kroenig, the Sum of ten per cent damages
upon the amount of the judgment in the
Court below and interest, Amounting in all
to the Sum of Four Thousand One hundred
And fifty one 45/100 Dollars, together with
their Costs in the Court below and also in
this Court to be taxed,

And it appearing to the Satisfaction of the
Court that Hugo Wedles, Vicente St. Vrain
and Frederick Meyer, are Securities on the
Appeal bond of the Said Appellant in this
Cause, It is further Considered and adjud-
ged by the Court that the Said Appellees and
Defendants in error, have Judgment against
the Said Appellant William Kroenig and
the Said Hugo Wedles, Vicente St Vrain
And Frederick Meyer Securities, in the
Sum of Said judgment below and the

8th Day. Tuesday January 11th 1870

interest and damages adjudged, Amounting to the Sum of Four Thousand, One hundred and fifty One 45/100, And that Costs in the Court below and also in this Court, to be taxed, and that Execution issue from this Court against said appellant and said Securities

Appellants
Hugo Wedles
Bernard Allendorff
&
Appellee
Samuel Roosevelt

Appeal from Mora County 1st District

This Cause having been Submitted to the Court on a former day of this term On the Motion of the defendant in error and Appellee, by his Attorney to dismiss the Appeal in this Cause and affirm the judgment of the Court below with ten per cent damages, for reasons Stated in said Motion Which Motion was then taken under advisement by the Court, and the Court being now fully Advised in the premises, Sustains said Motion -

It is therefore Considered and Adjudged by the Court, that the judgment in the Court below in this Cause, be and the Same is hereby affirmed, with interest at the rate of six per cent per annum Since the rendition of the same in the Court below on the twenty first day of August A.D. One Thousand eight hundred and Sixty nine, And that the defendant in error and Appellee, do also have and recover of the said plaintiffs in error, Hugo Wedles and Bernard Allendorff, the Sum of ten per cent damages upon the amount of the judgment

8th Day Tuesday January 11th 1870 -

in the Court below, and interest Amounting in all to the Sum of Of Seven Hundred and fifty Six 45/100 dollars together with his Costs in the Court below and also in this Court to be taxed, And it appearing to the Satisfaction of the Court that Frederick Meyer and Jose Maria Valdez, are Securities on the appeal bond of the said Appellants in this Cause, It is further Considered and adjudged by the Court, that said Appellee and defendant in error, Samuel Roosevelt, have judgment against the said Appellants Hugo Wedles and Bernard Ollendorff, and the said Frederick Meyer and Jose Maria Valdez their Securities in the Sum of said judgment below and the interest and damages adjudged Amounting to the Sum of Seven Hundred and fifty Six 45/100 dollars and their Costs in the Court below and also in this Court to be taxed and that execution issue from this Court against Said Appellants and Said Securities -

Ordered that Court adjourn until to-morrow at eleven O'Clock A.M -

J. G. Baker
Hezekh. S. Johnson.

9th Day, Wednesday January 12th 1870

Court met pursuant to adjournment

Present as on yesterday, except Hon. Hezekiah S. Johnson

The record of yesterday's proceedings was read and approved.

Hon Hezekiah S. Johnson, Associate Justice being prevented from attending, by sickness

It is ordered that Court adjourn until to-morrow at eleven O'Clock A.M.

J. G. Palen

10th Day, Thursday January 13th 1870

Court met pursuant to adjournment

Present as on Yesterday.

The read of yesterday was read and approved.

Appellant — Wash Hoyde — Appeal from 3rd Judicial District
55
Appellees — The United States

This Cause having been submitted to the Court on a former day of this term on the motion of the defendants in error, by their District Attorney, D. P. Elkins, Esq to dismiss the Appeal herein for reasons stated in said motion, and the same having been taken under advisement by the Court

16th Day. Thursday, January 13th 1870

And the Court being now fully Advised in the premises Sustains said motion.

It is therefore Considered by the Court, that the Appeal in this Cause be and the Same hereby is dismissed, And the judgment of the Court below Affirmed, And it appearing to the Satisfaction of the Court that John Davis and Mariano Barela, Are Securities on the Appeal bond of said Appellant in this Cause, It is further Considered and adjudged by the Court that the said United States, Appellees and defendants in Error in this Cause, recover of the said Appellant Wash Hyde and John Davis and Mariano Barela his Securities the Sum of Two hundred dollars, the fine adjudged against the said Appellant in the Court below As Also their Costs in this Cause, as well in the Court below as in this Court to be taxed And that Execution therefor, issue from this Court And that the said Appellant Wash Hyde be imprisoned for the term of Six months in the County jail of the County of Doña Ana territory of New Mexico, And that a Warrant of Commitment issue to the United States Marshal for the District of New Mexico.

Ordered that Court Adjourn until to morrow at Eleven O'Clock A. M. on Account of the Continued indisposition of Associate Justice Johnson

J. G. Reden
Hezek. S. Johnson.

11th Day Friday January 14. 1870

Court Met Pursuant to Adjournment

Present as on Yesterday And also Hon. H.S. Johnson Associate Justice

The record of Yesterday's Proceedings was read and Approved—

Anastacio Dominguez — Appeal from Dona Ana County 3rd District
vs
The Territory of New Mexico

Now Comes the Appellant by his Counsel, And Suggest a Diminution of the record in this Cause, And moves the Court for a rule upon the Clerk of the 3rd Judicial District Court to send up to this Court a true and perfect Transcript of the Proceedings in this Cause in the Court below

There being no further business before the Court, Ordered that Court adjourn until to-morrow At Eleven O'Clock A.M.

J. B. Palen
Hezekiah S. Johnson

12th Day, Saturday January 15. 1870

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and Approved,

S. Seligmans Bro. vs Salvador Armijo } Appeal from Santa Fe County 1st Dist.

This Cause now came on to be heard And was now argued by R. H. Tompkins Esq. Attorney for the appellants, and the Attorney for the defendant in error and Appellee not being ready to make his argument in this Cause, said hearing is Continued until Monday.

Ordered that Court Adjourn until Monday at Eleven O'Clock A. M.

J. G. Palen
Hezek. S. Johnson.

13th Day Monday January 17- 1870

Court met pursuant to adjournment

Present as on Saturday

The record of Saturday's proceedings was read and Approved-

S. Seligman & Bro — Appeal from Santa Fé
vs — County 1st District
Salvador Armijo

This Cause again Came on to be heard And was now Argued by S. B. Elkins Esq- Attorney for the defendant in Error and Appellee, And the Attorney for the Appellants not being ready to Conclude the Argument in this Cause. the Same is Continued until to-morrow-

Ordered that Court adjourn until to-morrow at Eleven O. Clock A. M-

J. G. Palen
Reg. & Ex. Officio

14th Day Tuesday January 18th 1870

Court met pursuant to adjournment

Present as on yesterday

The record of yesterday's proceedings is as read and approved-

14th Day Tuesday January 18th 1870

S. Seligman & Bro. } Appeal from South Pct
vs } County 1st District
Salvador Amijo }

This Cause again came on to be heard, and was now argued by R. H. Compton Esq- Attorney for appellants, and the argument herein being now Concluded, this Cause is now Submitted to the Court and the Court not being Sufficiently advised in the Premises takes the Same under Advisement.

Ordered that Court adjourn until to-morrow at Eleven O' Clock A.M.

G. B. Raben
Hezek. S. Johnson

15th Day Wednesday, January 19. 1870

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays' proceedings was read and approved

Juanita Vasquez et al } Appeal from South Pct
vs } County 1st District
Lichman Spiegelberg }

By agreement of the parties by their Counsel this Cause is set down for Argument to-morrow at the opening of Court

15th Day Wednesday January 19 - 1870

Louis Davis & Error, Doña Ana
Prudencio Benavidez & County 3rd Dist.
vs &
Charles Blummer &

Now Came on to be heard the motion of the defendant in error to dismiss this Cause from this Court for reasons stated in said motion and the same being argued by Counsel and submitted to the Court and the Court not being sufficiently advised in the premises takes said motion under advisement

Anastacio Domínguez & Appeal from Doña Ana
vs & County 3rd Dist.
The Territory of New Mexico &

Now Came on to be heard the motion of the said Appellant by his Counsel for a rule on the Clerk of the 3rd Judicial District Court, to send to this Court a perfect transcript of all the proceedings in this Cause, and especially the record and entry of the appointment of Mr. Williams as Counsel to defend the accused on his trial in the Court below, and also the Affidavit or written Statement of said Counsel in aid of the motions for a new trial and in arrest of judgment, and also the time of Court at which said proceedings were had which motion being argued by Counsel is Sustained by the Court—

It is therefore ordered by the Court that a rule issue to the Clerk of the 3rd Judicial District Court, as prayed in said motion, and that this cause Stand Continued until the next term of this Court.

15th Day Wednesday January 19. 1870

Ordered that Court adjourn until to-morrow at Eleven O Clock A. M.

J. G. Palen
Nezek. S. Johnson

16th Day Thursday January 20. 1870

Court met pursuant to adjournment

Present as on Yesterday —

The record of yesterday's proceedings was read and approved —

Norman C. de Baca
vs
The United States
= Error from 1st Judicial District

The defendants in error by their District Attorney, having filed their motion at a former day, to Quash and dismiss the writ of error in this Cause for reasons set forth in said motion — which motion is now argued by Counsel and Submitted to the Court, And the Court not being Sufficiently advised in the premises takes said motion under advisement

In the matter of
William J. Strachan
Bankrupt.

This Cause having been argued and submitted to the Court on a former day of this term, on the petition of said Bankrupt for a final discharge from or his debts and liabilities, provable under an act entitled, "An act to establish a

16th Day Thursday, January 20th 1870

Uniform System of Bankruptcy throughout the United States", Approved March 2nd 1867" And the Court having then taken the Same under advisement, And being now fully advised in the premises, It is ordered and adjudged by the Court, that said Bankrupt William T. Strachan, be and he hereby is discharged from all his debts and other liabilities, proved or provable under said act. And that a Certificate of final Discharge be issued to said Bankrupt as required by said act

Opinion of the Court delivered by Associate Justice Johnson which is ordered to be filed and recorded —

Henry Wilgus Esq — Attorney for Petitioning Creditors of said Bankrupt, now asks for an Appeal to the Supreme Court of the United States, from the judgment of this Court in this Cause.

Ordered that Court adjourn until to morrow at Eleven O' Clock A. M —

J. G. Rolleu
Hezek. S. Johnson.

17th Day Friday, January 21st 1870

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterdays Proceedings was read and approved.

In the matter of
William A. Strachan,
Bankrupt—

Now Came on to be heard the Application of Henry Bilgert Esq. Attorney for R. Eng & Heming opposing Creditors, for an appeal to the Supreme Court of the United States from the judgment of the Court in this Cause, Granting a discharge to said Bankrupt, And the same being argued by Counsel, And the said attorney of the opposing Creditors not being prepared to Conclude the Argument, the same is Continued until next Monday morning at the Opening of Court.

Louis Davis
Prudencio Benavidez
to
Charles Blummer

Error from Doña Ana County 3rd District,

Now Came on to be heard the motion of the Plaintiff in error, for a rule on the Clerk of the 3rd Judicial District Court to send up a transcript of the proceedings in this Cause in the Court below—Which motion being argued by Counsel And Submitted to the Court, the Court takes said motion under Advisement

19th Day Friday January 21st 1870

The United States Marshal, now reports to the Court that he has in his hands, the Sum of twenty five dollars, Collected by him, being the Amount of a fine, imposed by the Court and Collected by him by order of the Court, And asks instructions of the Court as to what disposition he shall make of the Same, Whereupon the Court directs that the Marshal apply the said Sum of twenty five dollars to the purchase of necessary Articles and Supplies for the use of the Court and account for the same to the Clerk of this Court.

Ordered that Court adjourn until to morrow At eleven O'Clock A. M—

J. F. Salen
Hezekiah S. Johnson

18th Day Saturday January 22. 1870

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

Louis Bairo a
Prudencio Buendey — Error from Doña Ana
to — County 3rd District
Charles Ilfeld

The motion of the defendant in error, to dismiss this Cause from this Court having been argued and Submitted on a former day of this term, and the Court

18th Day - Saturday January 22. 1870

having ~~then~~ taken the same under advisement and the Court being now fully advised in the premises, over-rules said motion.

Juan B. Vigil et als
vs
The United States

This Cause having been argued and submitted to the Court, on a former day of this term, on the motion of the Defendants by S. B. Elkins Esq their attorney, to allow the entry in the record showing that an Appeal in the above entitled Cause to the Supreme Court of the United States, was asked for by the United States District Attorney, at the January term A. D. 1867 of said Court made, nunc pro tunc for reasons stated in said motion and the papers accompanying the same. And the Court having taken said motion under advisement, And being now sufficiently advised in the premises, And it appearing to the satisfaction of the Court, that in this Cause an Appeal from the judgment and decree of the Court to the Supreme Court of the United States was duly asked for by the then United States District Attorney at its January term A. D. 1867, and that the Clerk of the Supreme Court of New Mexico failed to make the proper entry in the record, showing the above facts, the motion is sustained - It is therefore ordered by the Court, that the entry showing that an Appeal was asked for in this Cause at the January term A. D. 1867, of this Court, be made nunc pro tunc And the Appeal heretofore asked for on the part of Defendants be and the same is hereby granted.

18th Day, Saturday, January 22. 1870

Ordered that Court adjourn until Monday next at eleven, O. Clock. A.M.

J. H. Palen
Hezekh. S. Johnson

19th Day, Monday January 24. 1870

Court met pursuant to adjournment

Present as on Saturday

The record of Saturday's Proceedings was read and approved.

Tomas le de Baca vs The United States — Error from Pr District

The motion of the defendants in error to dismiss the writ of error herein having been argued and submitted on a former day of this term, and the Court having then taken said motion under advisement, and the Court being now fully advised in the premises over-rules said motion — Upon the Plaintiff in error, filing a proper and sufficient bond within thirty days, if bond not filed in thirty days, writ of error dismissed

S. Seligman & Bro vs Salvador Armijo — Appeal from Santa Fé County 1st District

This cause having been argued and submitted to the Court on a former day of this term, and the Court having then taken the same under advisement And the Court being now sufficiently advised in the premises, It is Ordered

19th Day Monday January 24. 1870

And Adjudged by the Court, that the judgment of the District Court in this Cause be and the same is hereby reversed and annulled, and that this Cause be remanded to the District Court for the County of Santa Fe, to be proceeded in according to Law and that the Appellants, recover of the Appellee their Costs in this Cause laid out and expended, to be taxed, and that execution issue &c.

S. Seligman & Bro
vs
Salvador Armijo

Appeal from Santa Fé County 1st District

This Cause having been argued by Counsel and Submitted to the Court on a former day of this term and the Court having taken the Same under advisement and being now Sufficiently advised in the premises, the Court now delivers its opinion herein, by Chief Justice Allen, reversing the judgment of the Court below, which opinion is ordered to be filed and recorded. Wherefore it is ordered and Adjudged by the Court, that the judgment of the Court below be and hereby is reversed, and a new trial granted in this Cause, and that this Cause be remitted to the District Court for the County of Santa Fé, and that the Appellants recover of the Appellee, their Costs in this Appeal expended to be taxed and that execution issue therefor.

19th Day, Monday January 24-1870

Juanita Vasquez et al } Appeal from
vs } Santa Fe County
Lehman Spiegelberg } 1st District

This Cause now Came on to be heard and was now argued by S. B. Elkins Esq- of Counsel for Appellants And there not being time to Conclude the Argument of this Cause the Same is Continued until to-morrow —

Ordered that Court adjourn until to-morrow at Eleven O' Clock A. M.

J. G. Palen
Hezekh. S. Johnson

20th Day, Tuesday January 25. 1870

Court met pursuant to adjournment

Present as on Yesterday, the record of Yesterdays proceedings was read and approved.

Juanita Vasquez et al } Appeal from
vs } Santa Fe County
Lehman Spiegelberg } 1st District

This Cause again Came on to be heard and was now argued by Thomas B. Catron Esq. Attorney for the Appellee, And the Argument Having not being Concluded, the Same is Continued until to-morrow —

20th Day, Tuesday January 25. 1870

In the matter of
Wm N. Strachan
Bankrupt

Now again came on to be heard the motion of Henry Wilgert Esq Attorney of N. and Co. Henning opposing Creditors for an Appeal to the Supreme Court of the United States from the judgment of this Court in this Cause granting a Discharge to said Bankrupt, and the Court having heard Mr. Wilgert in favor of said motion and R. H. Tompkins Esq- against the same, takes said motion under advisement.

Ordered that Court adjourn until to-morrow at Eleven O'Clock A. M.

J. F. Dillon

Hezekiah S. Johnson

21st Day, Wednesday January 26- 1870

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterday's proceedings was read and approved.

6 Juanita Vasques et al — appeal from Santa Fé County
vs
Lehman Spiegelberg — 1st District

This cause again came on to be heard and was now argued by Hiboy Benedict Esqr of Counsel for Appellants And the argument herein being now concluded this cause is now submitted to the Court And the Court not being sufficiently advised in the premises takes the same under advisement.

The following resignation of U.S. Commissioner was presented.

Las Vegas N.M.
January 24th 1870

To the
Chief Justice of N.M.
Sir:

I have the honor herewith to resign my Commission as U.S. Commissioner for San Miguel and Mora Counties of N.M.

I am about to leave the Territory for California and am therefore unable to longer attend to the duties pertaining to the Office.

I am Judge

21st Day, Wednesday January 26. 1870

Very Truly
Yours Obt. Servt.
C. D. Jennings

Which resignation is accepted by the Court

Ordered that Court adjourn until eleven
Oclock A. M. to-morrow.

J. G. Feller
Rezek. S. Johnson

22nd Day: Thursday, January 27- 1870

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterdays proceedings was read and approved.

In the matter of
Wm D. Strachan
Bankrupt

The motion herein, for an appeal to the Supreme Court of the United States, from the judgment of the Court in this cause, allowing a final discharge to said bankrupt, having been argued and submitted to the Court on a former day of this term, and having been taken under advisement, and the Court being now sufficiently advised in the premises, overrules said motion, and denies such appeal.

22nd Day Thursday January 27. 1870

Romeo C. de Baca
vs
The United States
Error from Santa Fé County 1st District

And now comes the said Plaintiff in error by his Attorney and files and Presents his petition for a mandamus to Joab Houghton Esq- late Associate Justice of the Supreme Court of the territory of New Mexico, to Compel him to Sign and Certify, certain bills of exceptions alleged to Contain the rulings of the Court below, said Joab Houghton Presiding, in the progress of the trial of this Cause- Which petition being Considered by the Court. It is ordered that an Alternative mandamus issue to said Joab Houghton returnable to morrow At Eleven O'Clock A. M. Commanding him to Sign one or more of said bills of exception, or show Cause Why the Same is not done.

Ordered that Court adjourn until to-morrow at Eleven O'Clock A. M.

J. G. Palen
Hezek. S. Johnson

23rd Day. Friday January 28. 1870

Court met pursuant to adjournment

Present as on Yesterday

The record of Yesterday's proceedings was read and approved.

The United States
On the relation of Romas B. de Baca } Petition for
vs } Mandamus
Joab Houghton

And now comes the said defendant by S. B. Elkins Esq. his attorney, and files his answer to the alternative writ of mandamus issued against him on yesterday, And the relator by his attorney now files his exceptions to said answer Whereupon this Cause came on to be heard upon said answer and the exceptions thereto, And was now argued by Counsel and submitted to the Court, and the Court not being sufficiently advised in the premises takes the same under advisement.

The following rules of practice are Ordered And established by the Court, to wit:

First The Counsel moving the argument of a Cause in this Court, shall at the opening of the argument, furnish each member of the Court and the opposing Counsel with a brief Statement of the Case, in writing, and the points and authorities relied on. And the adverse Counsel shall furnish

23rd Day Friday January 28. 1870

each Member of the Court and the adverse Counsel, with his points and authorities in writing.

Second. No Original Paper shall in any Case be taken from the files of this Court except on the written order of a Justice thereof ex-Chief in the absence of Judges, when the Clerk shall be authorized to allow Attorneys to take papers, and shall take receipts for them

Ordered that Court adjourns until to morrow at Eleven O Clock A. M.

J. G. Peter
Hezek. S. Johnson

24th Day. Saturday January 29. 1870

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and Approved,

Juanita Vasquez et al
vs
Lehman Spiegelberg, et al

Appeal from Santa Fe County 1st District

This Cause having been argued by Counsel and Submitted to the Court at a former day of this term, and the Court having then taken the Same under Advisement, and being now sufficiently advised in the premises, the Court now delivers its opinion herein, by Associate Justice Johnson, reversing the judgment

24th Day Saturday January 29. 1870

of the Court below, which Opinion is ordered to be filed and recorded. Wherefore it is ordered and adjudged by the Court, that the judgment of the Court below be and the Same is hereby Reversed. And a new trial granted in this Cause. And that this Cause be remitted to the District Court for the County of Santa Fé, and that the Appellants recover of the Appellee their Costs in this Appeal expended, to be taxed and that Execution issue therefor.

Jesus Quesada
vs
Jose Pablo Garcia et al

Error from Dona Ana County 3rd District

Now comes the Plaintiff in error and files his motion for an Alias Supersedeas in this Cause, for reasons stated in Said motion - Which motion is Sustained by the Court and an Alias Supersedeas ordered -

Louis Bacon
Rucherio Benavides
&
Charles Blummer

Error from Dona Ana County 3rd District

This Cause having been argued by Counsel and Submitted to the Court on a former day of this term, on the motion of the plaintiffs in error by S.B. Elkins Esq their Attorney for a rule on the Clerk of the District Court of the third Judicial District of New Mexico, to forthwith Send up a true and perfect Transcript of all the Proceedings and papers in the above entitled Cause, in obedience to a writ of Error heretofore Issued in this Cause -

24 Day, Saturday January 29-1870

Which motion having been taken under Advisement by the Court, And the Court being now fully advised in the premises Sustains Said motion. It is therefore Ordered by the Court that a Rule upon Said Clerk issue from under the Seal of this Court, Commanding him forthwith Send up a full and perfect Transcript of all the Proceedings and papers in this Cause, And in Case the Original Writ of Error Sued out in this Cause, Can not be found in the Office of the Clerk of the 3rd Judicial District Court, on his Certificate of such fact the Clerk of this Court is directed to issue an Alias writ. And this Cause Stands Continued until the next term of this Court.

In the Matter of the Petition
Alexander P. Sullivan.
Petition for Habeas Corpus

Be it remembered that heretofore to wit, on the 2nd day of the present term of this Court the said Alexander P. Sullivan by his Attorney Ruby Benedict Esq presented And read his petition for a writ of Habeas Corpus to Said Jose D. Sena Sheriff &c, to bring up the Body of the Said petitioner Said petition being Addressed to the Justices of the Supreme Court by name, The Court Suggested that the petition Should be Addressed to "the" Supreme Court. And also Suggested for the Consideration of petitioners Attorney that Application Should be made to Associate Justice Johnson for the Allowance of a writ, Because the Chief Justice had

24 Day Saturday January A.D. 1870

Authorized the Process under which the Petitioner was arrested, Upon such Suggestions the Petitioners Attorney withdrew said Petition which was not filed with the Clerk.

The foregoing entry having been Omitted at the time, said Proceedings were had, to wit: on the 4th day of January A.D. 1870. It is ordered by the Court that the entry be made nunc pro tunc. On Motion of Kirby Benedict Esq. Attorney for Petitioner.

Anson Comstock Son

vs

Ancestacio Baca

This Cause Stands Continued until the next term of this Court.

Tomas B. de Baca

vs

The United States

Ordered by the Court that this Cause Stand Continued until the next term of this Court, the Plaintiff in error being required to file Bond as heretofore ordered.

Jesus Quesada

vs

Jose Pablo Garcia et al

This Cause Stands Continued until the next term of this Court.

Juana Tafoya

vs

Manuel Garcia et al

This Cause Stands Continued until the next term of this Court.

24th Day, Saturday January 29. 1870

The Territory
56 vs
Gaspar Ortiz
This Cause Stands Continued until
the next term of this Court

The Territory
57 vs
Jesus Mª Sena y Baca
This Cause Stands Continued until
the next term of this Court

The Territory
60 vs
Jose Abeita
This Cause Stands Continued until
the next term of this Court.

Jose Mª Sanchez
62 vs
Luz Gallegos
This Cause Stands Continued until
the next term of this Court.

Jose Mts. Chaves
63 vs
Luz Gallegos
This Cause Stands Continued until
the next term of this Court.

Wm H. Moore
Wm C. Mitchell
vs
Gerhardt C. Webb
This Cause Stands Continued until
the next term of this Court.

24th Day, Saturday January 29. 1870

It is ordered by the Court that the following Allowances be made, to wit:

S. B. Robbins Esq. U.S. Dist. Atty.	24 days	$120.00
John Pratt Esq. U.S. Marshal	25 "	125.00
Wm Breeden, Clerk	25 "	125.00
Wm Breeden, Interpreter and translator to the Court	25 "	125.00
Wm Breeden, Clerk for recording Opinions delivered in this Court, Since 1859 to the present time 1600 folios		
Jose D. Sena, Crier to the Court	25 days	50.00
Henry M. Davis, Bailiff	25 "	50.00
Marshall Breeden "	25 "	50.00
Cudeo Napier "	25 "	50.00
John Ayres "	25 "	50.00

John Pratt, U.S. Marshall for rent of Court room 25 days

To Jose D. Sena, Sheriff of Santa Ré County, for 25 days attendance on this Court, at $4.00 per day, to be paid by the Territory 100.00

The United States
On the relation of
Tomas C. de Baca
vs
Jesus Houghton

This Cause having been argued by Counsel and Submitted to the Court on a former day of this term, on the Answer of Said Defendant to the Alternative writ of Mandamus Issued Herein, and the exceptions to Said Answer, and the Court having taken Said motion under advisement, And being now sufficiently Advised in the premises, It is Adjudged

24th Day Saturday January 29. 1870

And adjudged by the Court, that the Exceptions to the Answer of said defendant be and are hereby disallowed, and the alternative mandamus dismissed with Costs against the relator -

It is ordered by the Court that Jules G. Barbey, be and he hereby is appointed United States Commissioner for the Counties of San Miguel and Mora in the territory of New Mexico, with full power and Authority to do and perform all the duties of said office and to receive all the fees and emoluments pertaining thereto

It is ordered by the Court, that hereafter the terms of the District Courts, for the trial of Causes arising under the Constitution and laws of the United States in the several Districts of this Territory shall be held as follows, to wit;

In the first Judicial District, Commencing On the first Monday of February and Second Monday of July; And Continuing in Session until the business of said Court Shall be disposed of - not exceeding four weeks

In the Second Judicial District, Commencing On the Last Monday of April and September And Continuing in Session until the business thereof Shall be disposed of; not exceeding 6 weeks

In the third Judicial District Commencing On the Last Monday of May and October And Continuing in Session until the business thereof is disposed of - not Exceeding three weeks -

24th Day Saturday January 29, 1870

It is further ordered that all orders and Process made returnable, at other and different dates, at which such terms have heretofore been fixed, shall have the same force and effect as if made returnable at the times fixed herein

Ordered that Court adjourn until Monday Morning at Eleven O' Clock

J. G. Palen
Rezek. S. Johnson

25th Day, Monday, January 31st 1870

Court met pursuant to adjournment

Present as on Saturday, except Hon. R. S. Johnson Associate Justice -

The record of Saturday's Proceedings was read and approved.

It is ordered by the Court, that all Causes Motions and Proceedings not otherwise disposed of, be Continued until the next term of this Court, to which time this Court stands adjourned

J. G. Palen

On Vacation,
April 30th 1870

Territory of New Mexico, ss,

There being at the present time, a vacancy in the office of United States Marshal for the Territory of New Mexico; therefore Be it Known, that we the undersigned Under and by virtue of the power in us vested by law, have this day Appointed John Pratt, United States Marshal for said Territory to discharge the duties pertaining to said Office until said vacancy shall be filled,

Given under our hands and Seals this 25th day of April A.D. 1870

J. G. Palen Chief Justice (Seal)
Hezekiah S. Johnson (L.S.)
Associate Justice

Know all men by these Presents that we John Pratt, Stephen B. Elkins, James L. Johnson and Behrens Spiegelberg of the town of Santa Fé, County of Santa Fé in the territory of New Mexico are held and firmly bound unto the United States of America in the Sum of Seventy thousand dollars lawful money of the said United States to be paid to the said United States, for which payment well and truly to be made we bind ourselves, our heirs, Executors, and Administrators jointly and severally, firmly by these presents Signed with our hands and sealed with our seals this 25th day of

April A.D. 1870. The condition of the above Obligation is such that; Whereas the above bounden John Pratt, has been appointed to be Marshal of the United States, for the District of the Territory of New Mexico pursuant to Law and during the existence of a vacancy in such Office of United States Marshal, As by an appointment to him bearing date the 25th day of April 1870 more fully appears Now if the said John Pratt, by himself and by his deputies, shall faithfully perform all the duties of the said Office of Marshal, then this obligation to be void, otherwise to remain in full force and virtue —

Jno. Pratt (Seal)
Stephen B. Elkins (Seal)
D. D. Johnson (Seal)
B. Spiegelberg (Seal)

11 Sentences Rev. Stamps Cancelled

The penalty and sureties of the above bond Approved by me this 25th day of April A.D. 1870

J. G. Palen Chief Justice
Henry D. Johnson
Associate Justice

In Vacation, Friday July 15th 1870

In the Supreme Court of the
Territory of New Mexico

In the matter against
Phillip Schwarzkopf
An alleged Bankrupt

In Bankruptcy

Theuss, William B. Doggett,
D. Hobart Wells, Charles H. Crane and
Homer D. Bassett did on the 12th day of
July A.D. 1870 at Nine and a half O'clock
A. M. file in the office of the clerk of
said Court a petition for adjudication
in bankruptcy against Phillip Schwarzkopf
of Cerro Gordo New Mexico, according to
the provisions of an act of Congress
entitled "An act to establish a uniform
System of Bankruptcy throughout the
United States" Approved March 2. 1867.

It is thereupon Ordered, that said
petition be referred to Samuel Ellison Esq
Register in Bankruptcy in this Court,
to make adjudication thereon, and take such
other proceedings therein as are required
by said act; and further that the said
petitioners, shall on or before the 18th day
of July A.D. 1870 at twelve O'clock
M. file with said Register a duplicate
Copy of said petition and the schedules
thereto annexed, And that the said
Phillip Schwarzkopf attend before
said Register on the first day of August
A.D. 1870 and thence forth as said
Register shall direct, to submit to such
orders as may be made by said Register
or by this Court relating to the Bankruptcy

of the said Philip Schwarzkopf.
And further that until otherwise ordered by the Court, the said Register shall act upon the matters arising in the case, at his office at Santa Fé, at such times as he shall fix for that purpose.

Witness the Hon. Joseph G. Palen Chief Justice of the Supreme Court of the Territory of New Mexico, this 15th day of July A.D. 1870.

In the Matter of
Philip Schwarzkopf
an alleged Bankrupt

In Bankruptcy

And now on this 15th day of July A.D. 1870 came the said Philip Schwarzkopf and filed his petition praying that he may be adjudged a bankrupt under the Act of Congress entitled "An Act to establish a uniform system of Bankruptcy throughout the United States" approved March 2nd 1867 and that he may be discharged from all his debts and other liabilities according to the provisions of said Act.

And now on this 15th day of July A.D. 1870 came the said Philip Schwarzkopf and filed his petition praying that he may be adjudged a bankrupt under the Act of Congress entitled "An Act to establish a uniform system of Bankruptcy throughout the United States" approved March 2nd 1867 and that he may be discharged from all his debts and other liabilities according to the provisions of said Act.

And now on this 15th day of July A.D. 1870 came the said Philip Schwarzkopf and filed his petition praying that he may be adjudged a bankrupt under the Act of Congress entitled "An Act to establish a uniform system of Bankruptcy throughout the United States" approved March 2nd 1867 and that he may be discharged from all his debts and other liabilities according to the provisions of said Act.

In the Matter of
Philip Schwarzkopf
an alleged Bankrupt

In Bankruptcy

A petition for adjudication of Bankruptcy was filed on the 12th day of July A.D. 1870 at 9½ O'Clock A.M.

I the undersigned Chief Justice of the Supreme Court of the Territory of New Mexico. Upon good proof by me taken do find that the said Philip Schwarzkopf has become a bankrupt within the true intent and meaning of the act of Congress entitled "an act to Establish a uniform system of Bankruptcy throughout the United States" approved March 2nd 1867 and I do hereby declare and adjudge him a Bankrupt accordingly.

Supreme Court January Term 1871

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fé in said Territory on the first Monday of January A.D. 1871.

Present,

Hon. Joseph G. Palen, Chief Justice of the Supreme Court of the Territory of New Mexico

S. M. Ashenfelter Esq. U.S. District Attorney for New Mexico

John Pratt Esq. U.S. Marshal for the District of New Mexico.

Jose D. Sena Esq. Sheriff of Santa Fé County,

W. Breeden, Clerk of said Court.

W. Breeden is now Appointed Interpreter and Translator to the Court, Subject to Approval by the Court, when a Quorum of Judges Shall be present.

The Marshal now Appoints his Bailiffs, Court;

W. Rosenthal
Ceedeus Napier
Juan Felipe Saredoral
W. A. Breeden

Jose D. Sena Esq. is now appointed Crier of the Court

There not being a Quorum of the Judges of the Supreme Court present, it is Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

2nd Day Thursday, January 3. 1871

Court met pursuant to adjournment

Present as on Yesterday and also Hon. B. J. Waters, Associate Justice

The record of yesterdays proceedings was read and approved.

On motion of S. B. Elkins Esq. an Attorney of this Court Samuel B. Wheelock Esq. and S. M. Ashenfelter Esq. Members of the Bar of District Court for the First Judicial District and J. Bonifacio Chaves Esq. a member of the Bar of the Second Judicial District, are admitted to practice in this Court as Attorneys, Counsellors and Solicitors, at Law and in Chancery The usual Attorneys Oath was now administered to Messrs Wheelock and Ashenfelter and also the oath prescribed by the act of Congress of July 2nd 1862,

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. L. Paden
B. J. Waters

3rd Day Wednesday January 4. 1882

Court met pursuant to adjournment

Present as on yesterday, and also Hon. He. S. Johnson, Associate Justice.

The record of yesterday's proceedings was read and approved.

66 Gertrude E. Webb Administratrix &c vs Wm H. Moore and Wm E. Mitchell Appellants } Appeal from 1st District Entered October 11. 1879 Appeal Allowed on Mandamus Judge Palen Presiding in Chancery

And now Comes the said Appellee by her Counsel and moves the Court to dismiss the Appeal herein for reasons stated in said motion, Which motion is Set down for Argument on Monday next.

56 The Territory vs Gaspar Ortiz y Alarid } Appeal Santa Fé Co. 1st District H. S. Johnson This Cause is set down for hearing on Friday next

57 The Territory vs Jesus Madrid y Baca } Appeal Santa Fé Co. 1st District H. S. Johnson This Cause is set down for Argument on Friday next

3rd Day Wednesday January 4, 1871

62 Jose Mª Sanchez } Appeal San Miguel Co.
appellant } 1st District
vs } G. J. Palen
Luz Gallegos }

This cause is set down for Argument on Tuesday next.

63 Jose Antn. Chaves } Appeal San Miguel Co.
appellant } 1st District
vs } G. J. Palen
Luz Gallegos }

This cause is set down for Argument on Tuesday next.

64 Charles Blumner } Appeal Rio Arriba
vs } 1st District
Vicente St Vrain } G. J. Palen
Hugo Wedeles } Impleaded with Geo. N. Simpson

This Cause is set down for Argument on Wednesday next

The Territory for the use of
W. W. Griffin Administrator } Appeal Santa Fe
de bonis non } Co. 1st Dist.
vs } G. J. Palen
73 George F. Beall et als }
appellants

This Cause is set down for Argument on Thursday of next week

A. A. Co. Yeakendorff } Appeal Santa Fe Co.
appellants } 1st District
vs } G. J. Palen
74 John S. Hutchison }

This Cause is set down for Argument on Friday next

3rd Day Wednesday January 4. 1871

54 Juana Dafoya Appellant } Appeal Remaliito Co.
as } 2nd District
Manuel Garcia et als } J. Johnson

This Cause is set down for
Argument to-morrow.

72 The United States } Appeal 2nd Dish.
vs } J. Johnson
Esquipulo Chaves Appellant

And now Comes the said
Appellant by his Counsel and moves
the Court for a Continuance of this
Cause until the next term of this Court
for reasons stated in Affidavits filed.
And the Court having heard and
Considered said motion and Affidavits
Over-rules and denies said motion.

Ordered that Court adjourn until
ten O'Clock A. M. to-morrow

J. G. Palen

Reyes A. Romero, Atty.

B. F. Wales

4th Day Thursday January 5. 1879

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and approved.

68 Francisco Lopez vs Joseph Kersch appellant } Appeal Santa Fé Co. 1st District C. J. Watts

And now comes the said appellee by his Counsel and moves the Court to dismiss the appeal herein for reasons stated in said motion which motion is set down for hearing to-morrow morning

79 The United States vs Aaron Gold appellant } Appeal 1st District C. J. Palen

And now come the said Appellees by their District Attorney and move the Court to dismiss the appeal herein for reasons stated in said motion which motion is set down for hearing to morrow morning,

84 Juan Lopez appellant vs Manuel Saavedras } Appeal Bernalillo 2nd District J. Johnson

By Agreement of the parties by their Counsel, ordered that the argument herein be postponed until to-morrow,

4th Day Thursday January 5. 1865

The Appointment of Wm Breeden to be Interpreter and Translator of the Court, Made on the first day of this term Subject to approval when a Quorum of the Judges of the Supreme Court Should be present, is Approved and Confirmed.

On motion of John S. Watts Esq an Attorney of this Court, John W. Noble Esq, a member of the Bar of the State of Missouri, was Admitted to Practice as an Attorney, Counselor and Solicitor of this Court, Whereupon the usual oath was duly administered to him and also the oath prescribed by the act of Congress of July 2nd 1862,

44 Tomas le de Baca } Error from 1st Dist.
vs } J. Houghton
The United States }

And now come the defendants in error by their District Attorney and move the Court to Quash and dismiss the writ of error herein, for reasons stated in said motion, Which motion is set down for hearing to-morrow morning.

Gle Gertrude E. Webb, Admnx.re } Appeal from 1st Dist.
vs
Wm H. Moore & Wm B. Mitchell }

On motion of said defendants by their Counsel it is Ordered that the title of this cause

4th Day Thursday January 5. 1892

be amended or changed on the docket, to show the change of name of the Complainant and the addition of her husband David L. Huntington as a party Complainant to the Suit.

Gertrude C. Huntington
Administratrix &c and
David L. Huntington her husband

6b

vs

Wm H. Moore and
Wm C. Mitchell, appellants.

And now come the said appellants by their Counsel and move the Court to Consolidate this Cause, for the purpose of Argument with Cause No. 78, for reasons stated in said motion. Which motion is set down for hearing immediately after the determination of the motion of Appellees, now pending, to dismiss the appeal herein

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. B. Kehr
Mayer, S. Johnson, & Hall
B. J. Mathis

5th Day, Friday January 6. 1871

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings
was read and approved.

44 Pomas C. de Baca } Error from
vs } 1st District
The United States } J. Houghton
defts in error } Now came
on to be heard the motion of the defendants in error by their District Attorney to dismiss the writ of error herein And the Court having heard argument in support of said motion, over-rules and denies the same And this Cause is set down for Argument to-morrow.

54 Juana Lafora } Appeal Bernalillo Co
vs } 2nd District
Manuel Garcia et als } J. Johnson
This Cause now Came
on to be heard and was now argued by R. H. Tompkins Esq. for Appellant and by Joab Houghton Esq. for Appellees and is now submitted to the Court and the Court not being sufficiently advised in the premises takes said motion under advisement.

56 The Territory } Appeal Santa Fe Co.
vs } 1st District
Gaspar Ortiz y Alaid } J. Johnson
This Cause now

5th Day Friday January 6. 1871

Came on to be heard, and was now argued by S. B. Elkins Esq, for the Appellant, and the Court being sufficiently advised in the premises, Affirms the Judgment of the Court below,

57 The Peoples Appellees vs Jesus Ma Sena y Baca Appellant } Appeal from 1st District
J. Johnson

This Cause now Came on to be heard and was now argued by S. B. Elkins Esq for the Appellant, and the Court being sufficiently advised in the premises, Affirms the Judgment of the Court below.

62 Francisco Lopez Appellee vs Joseph Hersch Appellant } Appeal from 1st District
E. J. Coates

Now Came on to be heard the motion of said Appellee by his Counsel to dismiss the Appeal herein, and the Counsel of said Appellant appearing and not resisting said motion, the same is sustained by the Court, and the Judgment of the Court below affirmed.

It is therefore Considered and Adjudged by the Court that the Judgment of the Court below in this Cause is hereby affirmed, with interest at the rate of six per cent per annum, on

5th day Friday January 6. 1871

the same date the rendition thereof on the fourth day of March A.D. 1869, And that the Appellee recover of the Appellant the amount of such judgment and interest amounting to the sum of Two Hundred and Sixty three 07/100 dollars. together with his Costs in the Court below and in this Court to be taxed.

And it appearing to the Satisfaction of the Court that Guadalupe Cordova is security on the Appeal bond or recognizance of the said Appellant herein. It is therefore considered by the Court that the said Appellee Francisco Lopez recover of the said Appellant Adolph Hersch, and Guadalupe Cordova his security the amount of said judgment below and the interest accrued, amounting to the sum of Two Hundred and Sixty three 07/100 dollars, as aforesaid and his costs in the Court below and also in this Court to be taxed and that execution issue therefor according to law

70 Vicente M. Garcia Appellant } Appeal from Santa Fe Co
vs
Eben Everett } Appellee } Dismissed
E. J. Palen

Now came on to be heard the motion of said Appellee by his Counsel to dismiss the Appeal herein and the same being argued by Counsel and the Court being sufficiently

5th Day, Friday January 6. 1871

Advised in the premises over-rules said motion, And this Cause is set down for argument on Monday next.

79 The United States } Appeal 1st District
vs
Aaron Goed }

The motion of the Appellees to dismiss the appeal herein by their District Attorney, Nora Came on to be heard, and was now argued by Counsel and the Court being sufficiently advised in the premises takes said motion under advisement.

Ordered that Court adjourn until ten O'clock A. M. to-morrow

J. G. Pakes

Hezekiah S. Johnson, A. J.

R. J. Wales

6th Day Saturday January 7. 1871

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and approved.

Gertrude E. Huntington
Administratrix &c and
David L. Huntington her husband
vs
Wm H. Moore et al
Wm C. Mitchell, } Appellants

Appeal
Mora Co.
1st Dist.
6 J. Palen

78

And now come the said Appellants by their Counsel and move the Court to grant them leave to file assignment of Additional Causes of error in this Cause, for reasons stated in affidavits filed which motion is sustained by the Court, And such additional Assignment of errors is now filed.

And now come the said Appellants by their Counsel and move the Court for leave to file as a part of the record herein, a certified Copy of the draft report of the Master in Chancery made in this Cause in the Court below, now presented by said Counsel, which motion being argued by Counsel and the Court not being sufficiently advised in the premises takes said Motion under advisement.

6th Day Saturday January 7. 1871

74 A. and L. Beekendorff } Appeal Dist Ct Ed
vs appellants } 1st District
John D. Hollekasen } E. J. Palen

This Cause is postponed and set down for argument on Friday next.

44 Tomas C. de Baca } Error to Dist
vs } J. Houghton
The United States }

This Cause now came on to be heard and was now argued by Mr. Benedict for the plaintiff in error and by the United States District Attorney for the defendants in error, and the Court not being sufficiently advised in the premises, now takes the same under advisement.

79 The United States } Appeal 1st District
vs } E. J. Palen
Aaron Gold. }

This Cause having been argued and submitted on a former day of this term, upon the motion of the Appellees by their District Attorney to dismiss the appeal herein for reasons stated in said motion, and the same having then been taken under advisement and the Court being now sufficiently advised in the premises, sustains said motion and affirms the judgment of the Court below. It is therefore

6th Day, Saturday January 7. 1871

Considered by the Court that the Appeal herein be dismissed and the Judgment of the Court below in this Cause be and is hereby affirmed, and it appearing to the Satisfaction of the Court that Louis Gold and Abraham Staab are securities on the Appeal recognizance of the said Appellant in this Cause, It is further considered and adjudged by the Court that the said United States Appellees recover of the said Aaron Gold and Louis Gold and Abraham Staab his securities the Sum of One hundred dollars the fine adjudged against the said Appellant in the Court below, As also their costs, as well in this Court as in the Court below to be taxed and that execution issue therefor from this Court. And that the said Appellant Aaron Gold be imprisoned in the County Jail of the County of Santa Fé, Territory of New Mexico, for the term of One Day, and that a warrant of Commitment issue to the United States Marshal for the District of New Mexico.

Ordered that Court adjourn until ten O' Clock A. M. on Monday next

Hezekiah S. Johnson

R. J. Walker

7th Day, Monday January 9. 1871

Court met pursuant to adjournment

Present as on Saturday.

The record of Saturdays pro-
ceedings was read and approved.

Gertrude E. Huntington
Administratrix &c. and
David De. Huntington
her husband
vs
Wm H. Moore and
Wm L. Mitchell } Appellants

} Appeal from
Co. 1st Dist.

78

The motion of the said ap-
pellants by their Counsel for leave
to file as a part of the record herein
a certified copy of the draft re-
port of the master in Chancery made
in this cause in the court below
having been argued by Counsel and
submitted to the Court on a former
day of this term, and the Court having
thus taken said motion under advise-
ment and being now sufficiently
advised in the premises, Over-rules
and denies said motion.

Francisco Lopez } Appeal Santa Fé Co.
vs } 1st District
Joseph Hersch }

Appellant

The Judgment rendered
and entered herein on a former
day of this term, being erroneous,
because rendered against Guadalupe-

65

7th Day Monday January A. 1870

Cordova, as security on the Appeal Bond of the said Appellant, the same is hereby set aside and annulled.

And it is now considered and adjudged by the Court that the Appeal herein be and is hereby dismissed, the motion of the said Appellee to dismiss the same, not being resisted. It is further considered and adjudged by the Court that the judgment of the Court below, in this Cause, be and is hereby affirmed with interest thereon at the rate of Six per Cent per annum since the rendition thereof on the fourth day of March A.D. 1869, and that the said Appellee recover of the said Appellant the Amount of such judgment and interest, Amounting to the sum of Two Hundred and Sixty three 07/100 dollars together with his costs, in the Court below and in this Court to be taxed.

And it appearing to the satisfaction of the Court that Gaspar Ortiz and August Kirchner are securities on the Appeal Bond herein, of the said Appellant; It is further Considered and adjudged by the Court that the said Appellee Francisco Lopez recover of the said Appellant Joseph Heersch and Gaspar Ortiz and August Kirchner his securities, the said Sum of Two Hundred and Sixty three 07/100 dollars as aforesaid, and his costs in the Court below as well as in this Court to be taxed and that execution issue therefor, according to law.

7th Day, Monday January 9. 1871

Gertrude E. Huntington Administratrix &c. and D. L. Huntington her Husband
vs
Wm H. Moore and Wm L. Mitchell
Appellants

Appeal from an Order entered Oct. 11. 1869. at Chambers by E. J. Palen

66

The motion of said Appellees by their Counsel to dismiss the Appeal herein, now came on to be heard and was now argued by Counsel and the Court not being sufficiently advised in the premises takes said motion under advisement.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. S. Palen

Hezekiah S. Johnson, A. J.

E. J. Mallett

6th Day, Tuesday, January 10. 1871

Court met pursuant to adjournment

Present as on Yesterday.

The record of yesterday proceedings was read and Approved.

Butterfield Overland Dispatch Company vs Hugo Wedeles and Vicente Romero } Appeal, Coosa Co. 1st District C. J. Palen

And now comes the said Appellee by his attorneys, and producing here in Court, a transcript from the Court below, showing that an Appeal was allowed from a judgment rendered in this Cause and moves the Court to docket said cause and affirm the judgment of the Court below, with interest and damages, which motion is taken under advisement by the Court.

70 Vicente St Vrain appellant vs Eben Everett } Appeal Coosa Co. 1st District

This Cause having been set down for Argument, to-day, was now called, and the Appellants Counsel, now presented his brief, which upon examination is found not to conform to the requirements of the rules of the Court, And the Court therefore declines

8th Day Tuesday January 10. 1871

to hear argument in this cause by said Counsel, Whereupon the said Counsel for the Appellant, asks leave to amend his brief in this cause, and that this cause be set for argument to-morrow morning, And the Counsel for the Appellee agreeing and consenting thereto, it is so ordered.

62 Jose Mª Dauchez, Appellant } Appeal San Miguel Co. 1st District
vs
Luz Gallegos }

This Cause having been set down for argument to-day, now came on to be heard, And the Counsel for the Appellant now presents his brief in this cause, Which upon examination is found not to conform to the rules of the Court, the Court therefore declines to hear argument by said Counsel And thereupon the Court after hearing Argument by the Counsel of the said, Appellee takes the matter under advisement.

63 Jose Antº Chaves, Appellant } Appeal San Miguel Co. 1st District
vs
Luz. Gallegos }

This Cause is set down for Argument to-morrow—

Ordered that Court adjourn until ten O'Clock A.m. to-morrow

J. S. Reed
Hezekh. S. Johnson, A.J.
B. J. Mellen

9th Day, Wednesday, January 11. 1871

Court met pursuant to adjournment

Present as on Yesterday

The record of Yesterday's proceedings was read and approved.

Gertrude E. Huntington Administratrix &c, Appellee
D. L. Huntington, her husband
vs
Wm H. Moore and Wm C. Mitchell appellants } Appeal from an Interlocutory order entered Oct. 11. 1869 Sch Chambers C. J. Palen.

The motion of the said appellees by their Counsel, to dismiss the appeal herein, having been argued by Counsel and submitted to the Court on a former day of this term and the Court having then taken said motion under advisement, and being now sufficiently advised in the premises sustains said motion.

It is therefore Considered and adjudged by the Court that the appeal herein be and is hereby dismissed And that the said appellees recover of the said appellants, their Costs in this behalf expended to be taxed And that execution issue therefor. Opinion of the Court delivered by Associate Justice Walker is ordered to be recorded. Whereupon the said appellants, now file their motion for an appeal to the Supreme Court of the United States, from the Judgment and decision of the Court, dismissing the Appeal herein, which motion is sustained

9th Day, Wednesday January 11, 1871

By the Court, it is therefore ordered that an appeal be allowed herein as prayed for in said motion upon the Appellants Complying with the laws in this behalf.

On motion of Thomas D. Conway Esq- An Attorney of this Court, James C. McKenzie Esq- a member of the bar of the State of Illinois was admitted to practice As an Attorney, Counsellor and Solicitor of this Court. Whereupon the usual oath was duly administered to him and also the oath prescribed by act of Congress of July 2nd 1862

44 Pomasle de Baca } Error from N. Dist
vs } Jr Houghton
The United States }

This Cause having been argued and submitted on a former day of this term and the Court having then taken the same under advisement And being now sufficiently advised in the premises Affirms the judgment of the Court below. Judgment of the Court announced by Chief Justice Paleu and Cause granted to file Opinion hereafter.

And it Appearing to the Satisfaction of the Court that Kirby Benedict And Jose Manuel Gallegos are sureties on the bond of the said plaintiff in error herein. It is further

9th Day Wednesday January 11, 1871

Considered and adjudged by the Court that the said United States defendants in error recover of the said Tomas B. de Baca and Kirby Benedict and Jose Manuel Gallegos his securities the Sum of fifty dollars, the amount of the fine adjudged against the said plaintiffs in error in the Court below, and also the Costs in this Cause, to be taxed as well in the Court below as in this Court and that execution issue therefor from this Court

70 Vicente St Vrain } Appeal Santa Fé Co.
vs appellants } Pl District
Eben Everett }

This Cause now came on to be heard and the appellants' Counsel now presents his Brief in this Cause, which upon examination is found not to Conform to the requirements of the rules of the Court. The Court therefore declines to hear argument by said Counsel, and this Cause is now argued by the Counsel of the Appellee herein, and the Court not being sufficiently advised in the premises takes the Same under advisement.

47 Butterfield, Overland } Appeal Bogas
Dispatch Company } Co. 1st Dist.
vs
Hugo Wedeles and
Vicente Romero appellants

The motion of the said Appellee by its attorneys

9th Day, Wednesday January 11, 1871

to dismiss the appeal herein, having been submitted to the court on a former day of this term and the Court having then taken said motion under advisement and being now sufficiently advised in the premises overrules and denies said motion.

69 Charles Blummer vs Vicente St Vrain and Ynes Wedeles, Impleaded with George P. Simpson appellants. Appeal Rio Arriba 1st Dist. On motion of said appellants by their Counsel the Counsel for the appellees assenting thereto, the Argument of this Cause is now postponed and this Cause is set down for hearing on Wednesday next.

Kirby Benedict Esq. An attorney and Counsellor of this Court is required to show Cause at the opening of the Court to-morrow morning, Why he should not be punished for Contempt of Court by removal or Suspension, from practice in this Court and the District Courts of this Territory, or otherwise, Such Contempt having been committed in open Court this day, by means of rude, violent and boisterous Conduct, persistent disobedience to and disregard of a rule of the Court, interrupting and disturbing, the Quiet,

9th Day Wednesday, January 11. 1871

Decorum and Order of the Court; particularly in this: that the said Kirby Benedict did in a violent and Abusive manner proclaim in Open Court, that he cooned now withdraw from the Court, giving notice to his Clients who might be present that if any had paid him fees he cooned return the same to them, and then in a very violent manner leaving the Court room and pulling the door after him with such violence as to disturb the quiet, decorum and Order of the Court; and again returning into Court and Committing the same offences.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. G. Palen

Hezekiah S. Johnson, A.J.

B. J. Davis

10th day Thursday January 12. 1871

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterday's proceedings was read and approved.

In the Matter of
Kirby Benedict.

The answer of the said Kirby Benedict to the rule entered against him at a former day of this term, to show cause why he should not be punished for contempt of court, by removal or suspension from practice in this Court and the District Courts of this Territory, or otherwise, having been presented and read by Mr. John S. Watts on behalf of said respondent, who also personally appeared in Court and the Court having heard Mr. Watts of Counsel for the respondent and having duly considered the matter, adjudges the said Kirby Benedict guilty of the contempt ~~in~~ and of the offenses charged in said rule and also guilty of the specific offenses charged therein. And it is further considered and adjudged by the Court that the said Kirby Benedict be suspended from practice as an Attorney, Solicitor or Counsellor, in this Court and the several District

10th Day Thursday January 12. 1871

Courts of this Territory, until the further order of this Court or of the Justices thereof in Vacation.

82 The Butterfield, Overland Dispatch Co. vs Hugo Wedeles and Vicente Romero } Appeal Coffax Co. 1st District E. J. Palen

This Cause is set down for Argument on Saturday next.

78 Gertrude E. Huntington Administratrix &c. and D. Le. Huntington her husband. vs Wm H. Moore and Wm L. Mitchell } Appeal Mora Co. 1st District E. J. Palen

This Cause is set down for argument on Tuesday next.

73 The Territory, for the use of W. W. Griffin de bonis non, vs George H. Beall et als } Appeal Santa Fé Co. 1st District

This Cause now came on to be heard and was now argued by R. H. Tompkins Esq. of Counsel for the Appellants and there not being time to conclude the argument of this Cause, on this day, the same is Continued until to-morrow, ...

10th Day Thursday January 12th 1871

It is ordered that William Breeden, Joseph G. Hill, John M. Shaw and Charles B. Magruder be and they are hereby appointed United States Commissioners within and for the Territory of New Mexico, with all the rights, jurisdiction and power conferred upon and vested in such Commissioners by the various acts of the Congress of the United States.

Ordered that Court adjourn until ten O'clock A. M. to morrow.

J. G. Palen

Regts. S. Johnson, Atty.

R. J. Mathews

11th Day Friday January 13. 1871

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterdays proceedings was read and approved.

The Territory for the use of W. W. Griffin Administrator de bonis non, } Appeal South Pk
vs } Co. 1st Dist.
George F. Beall et als } E. J. Raley
Appellants. } 73

This cause again came on to be heard and was now argued by S. B. Elkins Esqr Counsel of the said appellee, and there not being time to conclude the Argument of this cause on this day the same is continued until to-morrow -

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. L. Rhea

Nezek. S. Johnson, Atty.

R. J. Wales

12th Day. Saturday January 14, 1871

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays' proceedings was read and approved.

62 Jose Maria Sanchez } Appeal S. San Miguel
vs Appellant } 6th. Judicial
Chas Scallegos } G. J. Palen

This Cause having been argued by Counsel and submitted to the Court on a former day of this term and the Court having then taken the same under advisement, and being now sufficiently advised in the premises, Affirms the Judgment of the Court below with interest at six per cent per annum. Opinion and Judgement of the Court announced by Associate Justice Johnson.

It is therefore considered and adjudged by the Court that the Judgement of the Court below in this Cause, be and is hereby affirmed, with interest thereon at the rate of Six per cent per annum since the rendition thereof on the thirteenth day of August A. D. 1869, and that the said Appellee recover of the said Appellant the amount of such judgment and interest amounting to the sum of fifty eight dollars and sixty cents,

12th Day Saturday January 14, 1871

together with his costs as well in the Court below as in this Court to be taxed. And it appearing to the satisfaction of the Court that Celso Baca and Pablo Antonio Sena are sureties on the appeal bond of the said appellant herein, it is further considered and adjudged by the Court that the said appellee have judgement against said sureties for the amount of said judgment, interest and costs, and that the said appellee Luz Gallegos, widow of the said appellant Jose Maria Sanchez and Celso Baca and Pablo Antonio Sena his sureties, the said sum of fifty eight 00/100 dollars, and also his costs in the Court below and in this Court to be taxed, and that execution issue therefor according to law.

63 Jose Antonio Chaves appellant vs Luz Gallegos } Appeal Santa Fe Co. 1st District } C. J. Palen

This cause having been argued by counsel and submitted to the Court on a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises affirms the judgment of the Court below with interest at the rate of 6 p.

12th Day Saturday January 14, 1871

per cent per annum.
Judgment of the Court announced by Associate Justice Johnson.
It is therefore Considered and adjudged by the Court that the Judgment of the Court below in this Cause be and is hereby affirmed with interest thereon at the rate of six per cent per annum since the rendition thereof on the thirteenth day of August A. D. 1869 And that the said Appellee, recover of the said Appellant the amount of such Judgment and interest, Amounting to the sum of Seventy Seven 04/100 Dollars together with his Costs as used in the Court below as in this Court. And it appearing to the satisfaction of the Court that Celso Baca And Pablo Antonio Sena are Sureties on the appeal bond of the said Appellant, It is further Considered and adjudged by the Court that the said Appellee have Judgment against said Sureties for the amount of said Judgment, and interest and Costs And that the said Appellee Jesus Gallegos Receiver of the said Appellant Jose Antonio Chaves And Celso Baca And Pablo Antonio Sena his Sureties the said Sum of Seventy Seven 04/100 Dollars, And Celso his Costs, as used in the Court below as in this Court, to be taxed And that execution issue therefor according to law.

12th Day Saturday January 14, 1871

70 Vicente St Vain } Appeal Santa Fe Co.
vs
Eben Everett }

This cause having been argued by Counsel And Submitted to the Court At a former day of this term and the Court having then taken the Same under advisement and being now sufficiently advised in the premises, now announces its Judgment by Associate Justice Wales, affirming the Judgment of the Court below.

This therefore considered by the Court that the Judgment rendered by the Court below in this cause be and is hereby affirmed, and that the said Appellee recover of the said Appellant his costs in this behalf expended & be taxed and that execution issue therefor.

73 The Territory for the use of W. W. Griffin administrator de bonis non } Appeal Santa Fe Co.
vs
George A Bogel et als }

This cause again came on to be heard and was now argued by Mr. Bleven of Counsel for the Appellants and the argument in this cause being now concluded the Same is now submitted to the Court

2d Day Saturday January 13th 1877

And the Court not being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten O'clock A. M. on Monday next.

Jno Cahn
Recorder D. Johnson, Jr.
C. C. C. C.

13th Day, Monday January 16. 1871

Court met pursuant to adjournment

Present as on Saturday.

The record of Saturday's proceedings was read and approved.

78 Gertrude C. Huntington Administratrix &c. and D. L. Huntington, her husband vs Wm H. Moore and Wm C. Mitchell, Appellants } Appeal from Co. 1st District C. J. Palen

On motion of said appellants by their Counsel, the argument of this Cause, set for to-morrow is now postponed and this Cause is now set down for hearing on Wednesday next.

81 Vicente St Vrain and John L. Mary vs John Dold, et als } Appeal Santa Fé Co. 1st District C. J. Palen

By agreement of said parties by their Counsel it is considered by the Court that this Cause stand Continued until the next term of this Court.

74 Aaron Zeekendorff and Louis Zeekendorff vs John S. Hutchason } Appeal Santa Fé Co. 1st District C. J. Palen

This Cause now came on to be heard and was now argued

13th Day, Monday January 16. 1871

by Mr. Clover for the appellants and by R. H. Pomphrey Esq for the appellee and the argument herein being concluded, and the Court not being sufficiently advised in the premises takes the same under advisement.

75 The United States appellants } Appeal 1st Dist.
vs
David V. Whiting et als }

This cause is set down for argument to-day.

78 Gertrude E. Huntington Administratrix &c and D. L. Huntington, her husband } Appeal Mora Co. 1st District
vs
Wm H. Moore and Wm L. Mitchell appellants.

And now come the Counsel for said appellants and move the Court to permit two Counsel for the appellants to speak upon the opening of the argument in this cause, and one Counsel to speak at the close in reply to the Counsel of the Appellees, it being the rule of the Court that but two Counsel shall be permitted to argue for each party, in a cause: Which motion is taken under advisement by the Court.

13th Day Monday January 16. 1871

82 The Butterfield Overland Dispatch Company vs Hugo Wedeles and Vicente Romero } Appeal, Bogfax Co. 1st District C. J. Pelan

This cause now came on to be heard and was now argued by Mr. Cleveland of Counsel for the Appellants and there not being time to conclude the argument of this cause on this day, the same is continued until to-morrow.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. G. Pelan
Mezes, J. Johnson, J.J.

B. J. Walker

158

14th Day, Tuesday January 17, 1871

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterday's proceedings was read and approved

Gertrude E. Huntington Admrx &c and David Le. Huntington her Husband vs Wm H. Moore and Wm L. Mitchell } Appeal Mora Co, 1st District

78

The motion of the Counsel of the said appellants for leave for two Counsel of the appellants to speak upon the opening of the argument in this cause, and one Counsel to speak on the close of the argument and in reply to the Counsel of the appellees, having been taken under advisement by the Court at a former day of this term and the Court being now sufficiently advised in the premises, doth rules and denies said motion.

Aaron Yeckendorff and Louis Yeckendorff vs John S. Hendrickson } Appeal Santa Fe Co. 1st District. E. J. Palen

74

This Cause having been argued by Counsel and

14th Day, Tuesday January 19. 1871

Submitted to the Court on a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, Affirms the judgment and decree of the Court below;

Opinion delivered by Associate Justice Waters, Associate Justice Johnson Concurring;

It is therefore Considered and Adjudged by the Court that the judgment of the Court below, rendered in this Cause be and is hereby affirmed and that the said Appellee recover of the said Appellants his costs in this behalf expended, as well in the Court below as in this Court to be taxed and that execution issue therefor,

82 The Butterfield Overland Dispatch Company, Appellants, vs. Beebe, Lee & Co; Hayes Weeks and Vicente Romero, Appellees.

This Cause again came on to be heard and was now argued by Messrs S. B. Wheelock and S. B. Elkins for the Appellee and by Mr. Wheaton for the Appellants, and the argument herein being now concluded and the Court not being sufficiently advised in the premises now takes this Cause under advisement.

14th Day Tuesday January 17. 1871

The United States } Appeal
vs Appellants } 1st District
David V. Whiting et als }

And now come the said Appellants by their District Attorney and Suggest a Diminution of the record in this Cause and move the Court for a rule on the Clerk of the Court below, to send up a perfect transcript in this Cause, And now file the Stipulation of Counsel, showing Wherein the transcript in Court is imperfect, Which motion is sustained by the Court, And it is ordered that a rule issue to the Clerk of the Court below to send up a perfect transcript in this Cause.

The United States } Appeal
vs Appellants } 1st District
David V. Whiting et als }

This Cause now came on to be heard and was now argued by the United States District Attorney for the Appellants and by Messrs Dompierre and Bleven for the Appellees and the Argument being now Concluded and the Court being now sufficiently advised in the premises, Affirm the Judgment of the Court below,

Judgment of the Court announced by Associate

14th Day Thursday January 17, 1871

Justice Wates, Associate Justice Johnson Concurring.

Ordered that Court adjourn until ten o'clock A. M. to-morrow.

J. G. Palen
Hezek. S. Johnson, A.J.
R. G. Wates

15th Day Wednesday January 18. 1871

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

69 Charles Bhrmier } Appeal
vs } Rio Amba Co.
Vicente Ortiz and } 1st District
Hugo Wedeles, impleaded
with George B. Simpson

By agreement of the parties by their attorneys, the argument of this Cause is now postponed and this Cause is set down for hearing on Monday next.

78 Gertrude E. Huntington }
administratrix and } Appeal from
D. L. Huntington her husband } Co. 1st District
vs
Wm H. Moore and }
Wm C. Mitchell } Appellants

This Cause now came on to be heard and was now argued by John S. Watts Esq. of counsel for the said Appellants and there not being time to conclude the argument of this Cause on this day the same is continued until to-morrow.

15th Day Wednesday January 18. 1871

Ordered that Court adjourn until ten O'clock A. M. tomorrow.

J. J. Kalen

Wm. A. Johnson

R. J. Wallis

16th Thursday January 19. 1871

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and approved.

Gertrude E. Huntington
Administratrix &c
of
David D. Huntington, her husband
vs
Wm H. Moore and
Wm L. Mitchell

Appeal
Mora Co.
1st Dist.

78

This cause again came on to be heard and was now argued by Messrs Elkins and Wheaton for the appellees, and there not being time to conclude the argument of this cause on this day, the same is continued until to-morrow.

Ordered that court adjourn until ten O'clock A. M. to-morrow.

J. H. Knaebel
Clerk Supreme Court
By R. J. Walker

17th Day. Friday January 20. 1871

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

Gertrude C. Huntington
Administratrix &c
David L. Huntington her husband
vs
Wm H. Moore and
Wm L. Mitchell appellants

} Appeal Mora Co. 1st District
78 E. J. Peles

This cause again came on to be heard and was now argued by Mr. Noble of Counsel for the Appellants and the argument herein being now concluded and the Court not being sufficiently advised in the premises takes this cause under advisement

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. B. Sales
Henry D. Johnson
R. J. Mathis

18th Day Saturday January 21. 1871

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

30 Anastacio Barela } Error from Dona Ana
vs } Co. 3rd Dist.
Anson Comstock & Dont } cleft. below

This cause is set down for hearing on Monday next.

45 Jesus Quesada } Error from Dona Ana
vs } Co. 3rd Dist.
Jose Pablo Garcia and Juan Garcia

This cause is set down for hearing on Wednesday next.

60 The Territory } Appeal Bernalillo Co.
vs } 2nd District
Jose Abeita

This cause is set down for hearing on Monday next.

68 Ramon Salazar } Error Rio Arriba
vs } Co. 1st Dist.
Ma Antonia Martinez

This cause is set down for hearing on Monday next, on motion to dismiss writ of error, and final hearing.

18th Day Saturday January 21. 1871

71 Wm D. Dawson vs A. C. Wolff } Error Coffax Co. 1st District

This cause is set down for argument on Monday Next, Appearance entered by Mr. Elkins for defendant in error.

76 Anthony Steinberger vs Thomas J. Jeffords } Appeal Jaeha Dist Co. 1st District

This cause is set down for argument on Tuesday next.

77 Charles Fullman vs Brown & Estes } Appeal Coffax Co. 1st District

This cause is set down for argument on Tuesday next.

80 Louis Baris and Prudence Benavides vs Charles Blummer } Error Dona-Ana Co. 3rd District

And now comes the said defendant in error by Mr. Bleer his attorney and moves the Court to dismiss the writ of error herein, for reasons stated in said motion, which motion being argued by Counsel and the Court being sufficiently advised in the premises over-rules said motion. And it is ordered that ~~the Clerk of this Court transmit to the Clerk of the third~~ Judicial District Court, a copy of the order and rule made in this cause at the last term of this Court, and that said Clerk be required to forthwith

18th Day Saturday January 21, 1871

Send up to the Clerk of this Court a full and perfect transcript of all the proceedings and papers in this Cause, together with the writ of Error heretofore issued herein, or in case the same can not be found, his certificate that such is the case, And this Cause Stands Continued until the next term of this Court.

67 The Territory vs Anastacio Dominguez } Appeal Doña Ana Co. 3rd District
Appellant. It is Ordered that this Cause Stand Continued until the next term of this Court, And that the Clerk of this Court transmit to the Clerk of the third Judicial District Court a Copy of the order and rule made in this Cause at the last term of this Court,

54 Juana Jaquella vs Manuel Garcia et ass } Appeal Bernalillo Co. 2nd District
This Cause having been Argued by Counsel and Submitted to the Court on a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, Do affirm the judgment of the Court below,

18th Day Saturday January 21. 1871

Chief Justice Palen, announced the decision of the Court affirming the Judgment of the Court below Associate Justice Watkins, dissenting from such decision, and filed an opinion in favor of the reversal of the Judgment of the Court below,

Associate Justice Johnson read and filed, a paper, giving the reasons for the decision and judgement of the Court below, C.J. Palen has leave to file an opinion therein vacating

It is therefore Considered by the Court that the judgment of the Court below be and is hereby affirmed and that the said appellees recover of the said appellant, their Costs in this behalf expended as well in the Court below as in this Court, to be taxed and that execution issue therefor,

And it appearing to the satisfaction of the Court that Manuel Crespin and Pedro Baca are securities on the appeal bond of the appellant herein, it is further Considered by the Court that the said appellees have judgment against said securities for their costs as aforesaid and that execution issue therefor according to law,

72 The United States } Appeal 2nd District
vs
Esquipulo Chaves }

And now comes the said appellant by his counsel and suggests a diminution of the record in this cause

18th Day Saturday January 21, 1871

And Upon the Stipulation of Counsel showing that the record herein is defective in this, that it does not contain a certain affidavit made in said Cause in the Court below. And now moves the Court for a Rule on the Clerk of the Court below to send up to this Court a perfect transcript of the proceedings and papers in this Cause, which motion is sustained by the Court, and this Cause stands Continued until the next term of this Court.

82

The Butterfield Overland Dispatch Company vs Hugo Wedeles and Vicente Romero } Appeal Before Gen. 1st District

This Cause having been Argued by Counsel and Submitted to the Court, and the Court having then taken the Same under advisement and being now sufficiently advised in the premises, affirms the Judgment of the Court below with interest thereon at the rate of six per cent per annum, Since the rendition thereof on the first day of September A.D. 1870, Opinion of the Court delivered by Associate Justice Waters, which is filed and ordered to be recorded. It is therefore Considered by the Court, that the record of the decision and judgment of this Court in this Cause, be remitted to the

18th Day Saturday January 21, 1871

District Court, which Mis Cause and from which Mis Cause came to Mis Court, for execution.

Ordered that Court adjourn until ten O'clock A. M. on Monday next

G. G. Palen

R. J. Wales

Hezekh. S. Johnson,

19th Day, Monday January 23rd 1871

Court met pursuant to adjournment.

Present as on Saturday, except Associate Justice Johnson, absent from sickness.

The record of Saturdays' proceedings was read and approved.

72 The United States vs Equipus Chuse } Appeal 2nd District

The Order made in this cause on a former day of this term, for a rule on the Clerk of the 2nd Judicial District Court to send up a perfect transcript of the proceedings and papers in this cause, and continuing this cause until the next term of this Court is hereby set aside and made rule with leave to appellant to renew motion upon affidavits

30 Chastacie Garcia pff. in error vs Edison Comstock and Charles R. Comstock } 3rd District

And now come the said defendants in error by Mr. Eleven their Attorney, and move the Court to strike this cause from the docket and dismiss the same for reasons stated in said motion and the same being Argued by Counsel and the Court being sufficiently advised in the premises, Over-rules and denies said motion.

19th Day Monday January 23. 1871

30 Anastacio Barela } Error Doña Ana Co.
v. } 3rd Dist.
Alison Comstock et al }
Charles R. Comstock }

This Cause now came on to be Read and was now argued by Mr Watts for the Plaintiff in error and by Mr. Eleven for the Defendants in error, and the Court being duly advised in the premises, now announces its Judgment by Chief Justice Allen, Reversing the Judgment of the Court below.

It is therefore Considered and adjudged by the Court that the Judgment rendered in this Cause in the Court below, be and is hereby Reversed, and that said plaintiff in error Anastacio Barela recover of the defendants in error, Alison Comstock and Charles R. Comstock, his Costs in this behalf expended, as well in the Court below as in this Court to be taxed and that execution issue therefor.

68 Ramon Salazar } Error Rio Arriba Co.
v. } 1st District
Maria Antonia Martinez }

The hearing of the motion to dismiss the writ of error herein, is now postponed, and set down for hearing on Friday next.

19th Day, Monday January 23. 1871

60 The Territory } Appeal Remanded to 2nd District
vs appellant }
Jose Abeita }

And now comes the said Appellant, by her Attorney General and says to the Court here that she will not further prosecute her said Appeal but dismiss the same. It is therefore Considered by the Court that the Appeal herein, be and is hereby dismissed.

Ordered that Court adjourn until ten O'clock A. M. tomorrow.

J. G. Palen

R. J. Palen

20th Day, Tuesday January 24, 1871

Court met pursuant to adjournment.

Present as on yesterday

The record of yesterdays' proceedings was read and approved.

77 Charles Dallman vs Brown & Estes } Appeal Bosque Co. 2d District

By agreement of said parties by their Counsel it is Considered by the Court that this Cause Stand Continued until the next term of this Court.

30 Anastacio Benela vs Anson Comstock and Charles R. Comstock } Error from Doña Ana Co. 3rd District

And now Comes Wm Cleaver Counsel for the said defendants in error and gives notice in open court here, that he will apply for a writ of error in this Cause, to the Supreme Court of the United States.

72 The United States vs Escripulo Chaves } Appeal 2nd District appellant. And now Come the said parties by their Counsel, and Submit this Cause to the Court, on the record, without Argument, and the Court not

20th Day Tuesday January 24. 1871

being sufficiently advised in the premises, now takes this cause under advisement.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. D. Palen

B. J. Wales

21st Day Wednesday January 25. 1871

Court met pursuant to adjournment

Present as on yesterday and also Hon H.S. Johnson Associate Justice.

The record of yesterdays proceedings was read and approved.

69 Charles B Lummen vs Vicente De Vraiu and Hugo Wedeles } Appeal Rio Arriba Co. 1st District. } Impleaded with George N. Simpson

And now come the said parties by their Counsel, and this Cause is now, by their agreement Submitted to the Court upon the record herein without argument and the Court not being Sufficiently advised in the premises, now takes this Cause under advisement.

76 Anthony Steinberger vs Thomas J. Jeffords } Appeal Santa Fé Co. 1st District } appellant

Now Came on to be Heard and was now argued by Mr. Tompkins for the Appellant and by Messrs Conway and Elkins for the appellee and the argument herein being now Concluded, this Cause is now Submitted to the Court, and the Court not being Sufficiently advised in the premises takes this Cause under advisement.

72

2nd Day Wednesday January 25. 1871

The United States } Appeal 2nd District
vs
Esquipulo Chaves, Appellant } This cause having been submitted to the Court on a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, now announces its Judgment by Chief Justice Palen, affirming the Judgment of the Court below.

It is therefore Considered and adjudged by the Court that the Judgment rendered in this cause in the Court below be and the same is hereby affirmed. And it appearing to the satisfaction of the Court that Rafael Chaves and Salvador Armijo are securities on the Appeal recognizances of the said Appellant, it is further Considered and adjudged by the Court that the said United States of America Appellees herein, recover of the said Appellant Esquipulo Chaves, and Rafael Chaves and Salvador Armijo his securities, the Sum of One thousand dollars, the Same adjudged against said Appellant in the Court below as also their Costs in this behalf expended. And also in the Court below as in this Court to be taxed, and that execution issue

21st Day Wednesday January 25, 1871

therefor, And that said Appellant Esquipulo Chaves be imprisoned, for the term of Six months, and Hugh Dée as the Marshal of the United States for the Territory of New Mexico, Shall Designate, And that a Warrant of Commitment issue to said Marshal.

71 Wm D. Dawson } Error to Bernalillo Co.
vs } 1st District
Alberus C. Wolff }

This Cause now came on to be heard and was now argued by Mr. Leatron for the plaintiff in error and by Mr. Elkins for the defendant in error, And the argument herein not being Concluded, the Same is Continued until to-morrow.

Ordered that Court Adjourn until ten O'Clock A. M. to-morrow.

J. G. Palen
Herzek, A. J. Johnson
R. J. Davis

22nd Day Thursday January 26. 1871

Court met pursuant to adjournment

Present as on Yesterday.

The record of yesterdays proceedings was read and approved.

71 William D. Dawson } Error Boone Co.
vs Plff in error } 1st District
Albanus B. Wolff }

This cause again came on to be heard and was now argued by Mr. Wheaton for the plaintiffs in error and the argument herein being now concluded and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Johnson, reversing the judgment of the Court below.

It is therefore Considered and adjudged by the Court that the judgment rendered in this Cause in the Court below, be and is hereby reversed, and that the said Plaintiffs in error recover of the said Defendant in error his costs in this behalf expended, as well in the Court below as in this Court to be taxed and that execution issue therefor.

22nd Day Thursday January 26. 1871

69 Charles Shimmer } Appeal Rio Arriba Co.
Vicente St Vrain and Hugo Wedeles } 3rd District.
Impleaded with George P. Simpson

This Cause having been Submitted to the Court at a former day of this term, and the Court having then taken the Same under advisement, and being now Sufficiently advised in the premises now Announces its decision by Associate Justice Johnson Affirming the Judgment of the Court below.

It is therefore Considered and adjudged by the Court that the Judgment rendered in this Cause in the Court below be and is hereby affirmed, with interest thereon at the rate of Six per Cent per annum Since the rendition thereof on the twentieth day of April A.D. 1870, and damages in the Sum of ten per Cent on the amount of the Judgment in the Court below, and that the said appellee Charles Shimmer recover of the said appellants Vicente St Vrain and Hugo Wedeles impleaded with George P. Simpson the amount of such Judgment, interest and damages, Amounting to the Sum of Six hundred and twenty eight dollars, together with his Costs in this behalf expended in the Court below as well as in this Court to be taxed, and that Execution issue therefor.

And it Appearing to the Satisfaction of the Court that Louis Clark and Diego Archuleta, are Securities on the Appeal Bond of the said Appellants

22nd Day Thursday January 26. 1871

herein; it is further considered and adjudged by the Court that the said Appellee have judgment against the said securities for the amount of said judgment, interest, damages and costs, and that the said Appellee Charles Brunner recover of the said Appellants Vicente St Vrain and Hugo Wedeles impleaded with George D. Simpson, and Louis Clark and Diego Archuleta their securities the said sum of Six hundred and twenty eight dollars as aforesaid and also his costs in this behalf expended, as well in the Court below as in this Court to be taxed and that execution issue therefor.

45 Jesus Quesada } Error Dona Ana Co.
vs } 3rd District.
Jose Pablo Garcia and }
Juan Garcia }

This cause now came on to be heard and was now argued by Messrs Catron and Wheaton for the Plaintiff in error and by Mr. Elkins for the defendants in error, and the argument herein being now concluded and the Court not being sufficiently advised in the premises now takes this cause under advisement.

22nd Day Thursday January 26. 1911

76 Anthony Steinbergen } Appeal Santa Fé Co.
vs 1st District
Thomas J. Jeffords }

This Cause having been Argued by Counsel and Submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, now announces its decision by Associate Justice Johnson affirming the Judgment of the Court below.

It is therefore Considered and Adjudged by the Court that the judgment rendered in this Cause in the Court below be and is hereby Affirmed, with interest thereon at the rate of six per cent per annum since the rendition thereof on the twenty ninth day of July A.D. One thousand eight hundred and Seventy; and that the said Appellee Anthony Steinbergen recover of the said Appellant Thomas J. Jeffords the amount of such Judgment and interest amounting to the sum of Three hundred and twenty three 35/100 dollars, together with his costs in this behalf expended, as well in the Court below as in this Court to be taxed and that execution issue therefor,

And it appearing to the Satisfaction of the Court that Thomas McDonald and William H. Mandenfield are sureties on the Appeal Bond of the said Appellant herein, It is further Considered and Adjudged by the Court that the

22nd Day Thursday January 26. 1871

Said Appellee have judgment against said securities for the amount of said judgment, interest and costs. And that said Appellee Anthony Steinberger recover of the said Thomas J. Jeffords and Thomas Mc Donald and William H. Manderfield his securities the said Sum of Three hundred and twenty three 35/100 dollars as aforesaid, as also his costs in this behalf expended as well in the Court below as in this Court to be taxed and that execution issue therefor

And it is further considered and adjudged by the Court that the said Appellee Anthony Steinberger recover of John M. Sharp, Garnishee in this Cause, as appears by the judgment of the Court below, the said Sum of three hundred and twenty three 35/100 dollars, and also his costs in this behalf expended as well in the Court below, as in this Court, to be taxed and that execution issue therefor.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. G. Pelham
Regts. of Johnson
B. J. Moses

23rd Day. Friday January 26. 1877

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

49 The United States
vs Appellants } Appeal 1st District
Ramon Hernandez }

On motion of the said appellants by their District Attorney, it is Considered by the Court that this cause stand continued until the next term of this Court.

45 Jesus Delgado
vs Aff. in error } Error Dona Ana Co. 3rd District
Jose Pablo Garcia and
Juan Garcia

This Cause having been argued by Counsel and submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, now announces its decision by Chief Justice Palen reversing the judgment of the Court below.

It is therefore Considered and adjudged by the Court that the judgment rendered in this cause in the Court below be and is hereby reversed, and that this cause be remitted to the District Court for the County

23rd Day Friday January 27. 1871

of Doña Ana for such proceedings as the law may require. And that the said plaintiff in error recover of the said defendants in error his costs in this behalf expended to be taxed and that execution issue therefor.

Ramon Salazar } Error from
vs } Rio Arriba Co.
Maria Antonia Martinez }

Now came on to be heard the motion of the said defendant in error to dismiss the writ of error herein, which motion was now argued by Mr. Bleven for the defendant in error and by Mr. Catron for the plaintiffs in error, and the Court not being sufficiently advised in the premises now takes said motion under advisement

Ramon Salazar } Error Rio Arriba
vs } 1st District
Maria Antonia Martinez }

This cause now came on to be heard and was now argued by Mr. Catron for the plaintiffs in error and by Messrs Bleven and Wheaton for the defendant in error and the argument herein being concluded and the Court not being sufficiently advised in the premises now takes this cause under advisement

2 3rd Day Friday January 22nd 1897

17 The Territory } Appeal Valencia County
vs } 2nd District
Daniel Green appellant }

And now comes the said appellee by her Attorney General and moves the Court to dismiss the appeal herein for reasons stated in said motion, which motion not being resisted and the Court being Sufficiently Advised in the premises, Sustains said motion. It is therefore Considered by the Court that the appeal herein be and is hereby dismissed and that this cause be remitted to the District Court for Valencia county, to execute the judgment of the court below.

54 Juana Tafoya appellant } Appeal Bernalillo Co.
vs } 1st District
Manuel Garcia et als

And now comes the said appellant by her Counsel and moves the Court to grant to said appellant a re-hearing and argument of said cause for reasons stated in said motion, which motion is set down for hearing on the first day of the next general term of this Court.

Ordered that Court adjourn until ten O'Clock A. M. to morrow.

H. H. Klein

Hezekiah S. Johnson

R. J. Mantz

24th Day Saturday January 28. 1871

Court met pursuant to adjournment

Present as on yesterday; the record of yesterday's proceedings was read and approved.

Gertrude E. Huntington Administratrix &c and David L. Huntington her husband. Complainants
vs
William L. Moore and William L. Mitchell Defendants

} Appeal from Mora County 1st Judicial District Court Hon. Joseph Palen presiding -

This Cause having been Argued by the Counsel for the respective parties, and Submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised as to what decree should be rendered in this Cause. It is ordered, adjudged and decreed that the appeal taken herein by the Complainants and appellees be and the same is hereby dismissed at the costs of said Complainants, to be taxed. And it appearing to the Satisfaction of the Court that the decree rendered in this Cause in the Court below, should be reduced by the sum of Twenty four thousand Six hundred and Seventy five dollars and forty four Cents on account of error appearing upon the record and that the decree should have been for

24th Day Saturday January 28. 1871

the Sum of Seventy two Thousand Nine Hundred and Twenty dollars and Twenty Five Cents instead of Ninety Seven Thousand Five hundred and Ninety Six dollars and Nineteen Cents; It is therefore Ordered, Adjudged and decreed that the decree of the Court below in this Cause be reduced by said Sum of Seventy Four Thousand Six hundred and Seventy five dollars and Forty Four Cents and the said decree in all other respects be and is hereby affirmed for the said amount of Seventy two Thousand Nine hundred and twenty dollars and Seventy Five Cents with interest thereon from the rendition thereof in the Court below on the twenty third day of August A.D. One Thousand eight hundred and Seventy at the rate of Six per Cent per Annum, Amounting to the Sum of Seventy four Thousand eight hundred and Forty dollars And it is further ordered, Adjudged and decreed that the said Appellees Gertrude E. Huntington Administratrix and David D. Huntington her husband recover of the said Appellants Cornelius H. Moore and Cornelius E. Mitchell, the said Sum of Seventy four Thousand eight hundred and Forty dollars, the Amount of said decree as herein affirmed, and interest, And also their Costs in this behalf expended as well in the Court below as in this Court.

24th Day Saturday January 28, 1871

to be taxed, and that execution issue therefor.
And it appearing to the satisfaction of the Court from the record, that John S. Watts, Ceran St Vrain, Henry Birnbaum, Jacob Hecht, Vicente Romero, Fernando Nolan, Charles W. Kitchen and Andres Dold, are Securities on the appeal bond of the said appellants herein, it is further ordered, adjudged and decreed that the said Appellees have judgment against said Securities for the amount of said judgment, interest and costs, And that said appellees Gertrude E. Huntington, administratrix &c. and David G. Huntington her husband recover of the said Appellants William H. Moore and William E. Mitchell and John S. Watts, Ceran St Vrain, Henry Birnbaum, Jacob Hecht, Vicente Romero, Fernando Nolan, Charles W. Kitchen and Andres Dold their Securities the said Sum of Seventy four thousand eight hundred and forty dollars, as aforesaid as also their costs in this behalf expended to be levied in the court below as in this court, to be taxed and that execution issue therefor.

Decree of the Court announced by Associate Justice Waters, Written Opinion to be filed by Associate Justice Waters, and Reasons for decree of Court below to be filed by Chief Justice Waite, in vacation.

24th Day, Saturday January 28. 1871

The Territory of New Mexico, for the use of William W. Griffin Administrator de bonis non of the estate of Charles S. Hinckley deceased. } Appeal from Santa Fe County District Judicial District Court Chief Justice Slough Presiding

73 vs } Debt.

George P. Beall
Abraham Staab
Jose Manuel Gallegos
Sigmund Seligman and
Manuel Spiegelberg

This Cause having been argued by Counsel and submitted to the Court at a former day of this term and the Court having then taken the same under Advisement and being now sufficiently Advised in the Premises, now announces its decision by Associate Justice Johnson, Affirming the judgment of the Court below.

It is therefore Considered and Adjudged by the Court that the judgment rendered in this Cause in the Court below be and is hereby affirmed with interest thereon at the rate of six per cent per annum since the rendition thereof on the twenty Second day of July One thousand eight Hundred and Seventy. And that the said plaintiffs, the Territory of New Mexico for the use of William W. Griffin Administrator de bonis non of the

24th Day Saturday January 28, 1899

estate of Charles S. Hinckley de-
ceased recover of the said George
A. Bacel, Abraham Staab, Jose
Manuel Gallegos, Sigmund
Seligman and Emanuel Spiegelberg
the Sum of One hundred and
twenty thousand Dollars, the
debt found by the said judg-
ment, And Forty Eight thousand
Dollars the damages of the said
Plaintiff found as aforesaid,
And interest; Such damages and
interest amounting to the Sum of
Forty Nine thousand Four hun-
dred and Eighty eight Dollars
And it appearing to the Satisfaction
of the Court that Bernhard Seligman,
Lehman Spiegelberg, Felipe Chaves,
Manuel A. Otero and Jose Leandro
Perea are Securities on the appeal
bond of the said appellants herein,
it is further considered and ad-
judged that the said appellee have
judgment against said Securities
for the Amount of Such damages
found in said judgment, interest and
Costs. And that the said Plaintiff
the Territory of New Mexico for the use
of William G. Griffin Administra-
tor de bonis non of the estate of
Charles S. Hinckley deceased, recover
of the said appellants George A. Bacel,
Abraham Staab, Jose Manuel Gallegos
Sigmund Seligman and Emanuel
Spiegelberg and Bernhard Seligman

24th Day Saturday January 28. 1871

Lehman Spiegelberg, Felipe Chaves, Manuel A. Otero and Jose Leandro Perea their Securities the said Sum of Forty Nine Thousand Four Hundred and Eight Eight Dollars, as aforesaid And also the Costs in this behalf expended as well in the Court below as in this Court, to be taxed and that execution issue thereof. Leave to Associate Justice Johnson to file written opinion in vacation, also to G. Palen to file reasons in writing for judgment of Court below Ordered that Court Adjourn until ten O'clock A. M. on Monday Next.

J. G. Palen

Reuben A. Johnson

R. C. Wales

25th Day Monday January 30. 1871

Court met pursuant to adjournment

Present as on Saturday

The record of Saturdays proceedings was read and approved

The Territory of New Mexico
for the use of Wm W. Griffin
Administrator de bonis non.
vs
George D. Bagell et als
appellants.

} Appeal
} Santa Fe Co.

And now come the said Appellants by their Counsel and move the Court to Correct the judgment rendered in this Cause at the present term of the Court, in this; that the judgment rendered is against the Appellants and their Securities on the Appeal Bond, Whereas it ought to be against the Appellants alone and not against their Securities. Which motion being Argued by Counsel and the Court being sufficiently advised in the premises Overrules and denies said motion.

The Territory of New Mexico,
for the use of Wm W. Griffin
Administrator de bonis non
vs

25th Day Monday January 30. 1871

78

Gertrude E. Huntington
Administratrix &c and
David L. Huntington her husband
vs
William H. Moore and
William C. Mitchell
} Appeal
Mora Co.
1st District
} Appellants

And now comes John S. Watts, a Solicitor of this Court and one of the Securities on the appeal bond of the said Appellants, and for himself and his Co-Securities on said Appeal Bond moves the Court to set aside and vacate the judgment entered up against them as such Securities, for reasons stated in said motion, and the same being argued by Counsel and the Court being sufficiently advised in the premises over-rules and denies said motion

78

Gertrude E. Huntington
Administratrix &c, et al
David L. Huntington, her husband
vs
William H. Moore and
William C. Mitchell
} Appeal
Mora Co.
1st District

And now in open Court it is suggested and made known to the Court that since the execution of the Appeal bond herein and before the rendition of the decree and judgment in this Court upon said bond, Cleon St Vrain one of the Securities named in said appeal bond departed this life, Therefore, upon motion of the said appellees by their Counsel

25th Day Monday January 30. 1871

It is ordered, Adjudged and decreed that the said Decree and judgment rendered in this Cause at a former day of this term be amended, And be rendered Against, William H. Moore and William C. Kitchen, Appellants herein and Principals on said Appeal bond, and John S. Watts, Henry Birnbaum, Jacob Hecht, Vregute Romero, Fernando Solan, Charles C. Kitchen and Andrew Deed, Securities on said appeal bond, Survivors of the said Ceran St Vrain deceased.

Ramon Salazar
vs
Maria Antonia Martinez

This motion of the said defendant in error to dismiss the writ of error herein, having been argued and submitted on a former day of this term and the Court having then taken the same under advisement and being now Sufficiently Advised in the premises now overrules and denies said motion.

Ramon Salazar
vs
Maria Antonia Martinez

This Cause having been Argued by Counsel and Submitted to the Court at a former day of this term, And the Court having then taken the same under advisement And being now Sufficiently advised

25th Day Monday January 30. 1871

in the premises, Nora announces its decision by Associate Justice Waters Reversing the judgment of the Court below.

It is therefore Considered by the court that the judgment rendered in this cause in the Court below, be and is hereby reversed, And that the said plaintiff in Error Ramon Salazar, recover of the said defendant in Error Maria Antonia Martinez, his Costs in this behalf expended, as well in the Court below as in this Court to be taxed, and that execution issue therefor.

It is ordered that hereafter the terms of the District Courts for the trial of causes arising under the Constitution and laws of the United States in the several Districts of this Territory, Shall be held as follows to-wit:

In the First Judicial District Commencing on the first Monday of February and the Second Monday of July in each year, and Continuing in Session until and including the first Monday of March and August, unless the business thereof Shall be Sooner disposed of

In the Second Judicial District as now provided.

In the third Judicial District Commencing on the Monday preceding the last Monday of May and October

25th Day Monday January 30. 1891

in each year and continuing in session for the term of four weeks, unless the business thereof shall be sooner disposed of;

It is further ordered that all orders and process made returnable at other and different dates, at which such terms have heretofore been fixed, shall have the same force and effect as if made returnable at the times fixed herein.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. G. P. C. —

L. J. Wales

26th Day, Tuesday January 31. 1871

Court met pursuant to adjournment

Present as on Yesterday except Associate Justice Woodward.

The record of yesterdays proceedings was read and Approved.

Gertrude E. Huntington Administratrix &c of David D. Huntington her husband. } Appeal Mora Co. 1st District

78

vs

William H. Moore et al } Appellants
William G. Mitchell }

And now come the Appellants William H. Moore and William G. Mitchell and John S. Watts, Henry Rinbaum, Jacob Hecht, Vicente Romero, Fernando Nolan, Charles D. Kitchen and Andres Dold their Securities, by their Counsel and Claim their appeal to the Supreme Court of the United States from the decree rendered against them in this Cause and move the court to now allow the same and enter of record Such Allowance. Which motion is sustained by the court, and it is ordered that Such appeal be and the same is hereby allowed and notice is now given in open Court of Such Appeal.

Upon motion of Samuel B. Wheelock Esq. an Attorney of this Court William Breeden a member of the bar of the District Court for the Sixth Judicial District of the Territory

26th Day Tuesday January 31. 1871

Was admitted to practice as an Attorney Counsellor and Solicitor of this Court. Whereupon the usual oath was duly administered to him in open Court, and also the oath prescribed by Act of Congress of July 2nd 1862.

In the matter of
Kirby Benedict.

It is ordered that the Clerk of this Court transmit to the Clerks of the several District Courts of this Territory, Certified Copies of the Judgment and Order of the Court in this matter, with directions to said Clerks to enter the same in the records of the District Courts of the several Counties in their respective Districts.

Gertrude E. Huntington
Administratrix &c
David De. Huntington
Her Husband. Appellees
vs
William H. Moore and
William B. Mitchell
Appellants.
} Appeal from Mora Co. 1st District

78

And now come William H. Moore and William B. Mitchell, John S. Watts, Henry Bimbaum, Jacob Hecht, Vicente Romero, Fernando Nolan, Charles W. Kitchen and Charles Doud, appealing to the Supreme Court of the United States in this Cause, and

26th Day Tuesday January 31. 1871

Present Their Bond in Appeal with Sufficient Sureties thereon for a Supersedeas, the Same having been duly Approved, And the Said Bond is now in Open Court, hereby duly Approved and Ordered to be filed, And it is Ordered that the execution herein, heretofore Ordered be Stayed, the Same having been Superseded.

Ordered that Court Adjourn until Saturday Next at four O'Clock P. M.

J. G. Reed

C. J. P. C. Wells

27th Day Saturday February 4. 1871

Court met pursuant to adjournment

Present as on Tuesday.

The Territory of New Mexico,
for the use of Wm W. Griffin
Administrator de bonis non
vs
George T. Beall, Abraham
Staab, Jose Manuel Gallegos,
Sigmund Seligman and Emanuel
Spiegelberg. } Appellants

And now come the said Appellants by their Counsel and now present their bond in error herein, which bond is approved by the Court and ordered to be filed.

It is ordered that the following allowances be made to wit:

D. M. Schenfeller U. S. Dist. Atty. days
John Pratt U.S. Marshal days
W. Breeden Clerk days
W. Breeden, Translator days
Wm Rosenthal Bailiff days
Marshall A. Breeden, Bailiff days
Juan Felipe Sandoval " days

Jose D. Sena Crier days

John Pratt U.S. Marshal for rent of
Court room . days
Jose D. Sena, sheriff for attendance, days
to be paid by the Territory at $4-

27th Day Saturday February 4. 1871

Ordered that Court adjourn until Saturday February 18th at four O'Clock P. M.

J. G. Palen

Saturday February 18th 1871

Court met pursuant to adjournment

Present as on the last day of Court except Hon. B. J. Waters, Associate Justice.

Ordered that Court adjourn until Saturday July 8th 1871 at ten O' Clock A. M.

J. G. Palen

Saturday July 8. 1871

Court met pursuant to adjournment

Present Hon. Joseph G. Palen Chief Justice of the Supreme Court Territory of New Mexico

Ordered that Court adjourn sine die.

J. G. Palen

Supreme Court January Term 1872

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fé, the Capital of said Territory on the first Monday of January A. D. 1872, being the first day of January A. D. 1872;

Present:

Hon. Joseph G. Palen Chief Justice of the Supreme Court of the Territory of New Mexico.

Hon. Daniel B. Johnson Jr. Associate Justice of the Supreme Court of the Territory of New Mexico.

S. M. Ashenfelter Esq. United States District Attorney for said Territory

John Pratt, United States Marshal for the District of the Territory of New Mexico.

Charles M. Conklin, Sheriff of Santa Fé County

William Breeden, Clerk of said Court

The Marshal now Appoints his Bailiffs to wit:

1 William Rosenthal,
2 Marshal A. Breeden
3 Harry H. Whigham
4 Juan Felipe Sandoval.
5 H. Wood. Dodd

William Breeden is now appointed and sworn as Interpreter to the Court.

There being no business before the

1st Day Monday January 1. 1872

Court, It is ordered that Court adjourn until two O. Clock P. M. tomorrow.

J. G. Belcher

L. B. Johnson Jr

2nd Day Tuesday January 2. 1872

Court met Pursuant to Adjournment

Present as on Yesterday And Also,

Hon. H. S. Johnson Associate Justice of the Supreme Court of the Territory of New Mexico.

The record of yesterdays proceedings was read and approved.

Charles M. Conklin is now appointed and sworn as Crier to the court.

49 The United States appellant
vs
Ramon Hernandez appellee
} Appeal 1st District
C. J. Clough

And now come the said appellants, the United States, by their District Attorney And Say to the Court here that they are not further prosecute their appeal herein, but dismiss the, And the said appellee Consenting And agreeing thereto, it is therefore Considered by the Court that the said appeal be and is hereby dismissed.

77 Charles Fallman appellant
vs
Bartlett Brown and Edward B. Estes appellees
} Appeal Bexfax Co. 1st District
C. J. Palen

And now comes the said Appellant by Mr. Wheaton his Attorney And Says to the Court here

2nd Day Tuesday January 2. 1871

That he will not further prosecute his Appeal herein but dismiss the same, & is therefore considered by the court that the said Appeal be and is hereby dismissed, And that the said Appellees, Bartlett Brown and Edward C. Estes recover of the said Appellant Charles Dalmau their Costs in this behalf expended, to be taxed and that execution issue therefor.

And it appearing to the Satisfaction of the Court that Albanus C. Swift and Miriam S. Russell are securities on the Appeal Bond of the said Appellant herein, It is further considered by the court that the said appellees have judgment against the said securities for the costs herein. And that the said Appellees recover of the said appellant Charles Dalmau and Albanus C. Swift and Miriam S. Russell his securities, their costs in this behalf expended to be taxed and that execution issue therefor.

Ordered that Court adjourn until ten O' clock A. M. to-morrow.

J. H. Palen
Recd. J. Johnson, J.P.
J. P. Johnson J.P.

3rd Day Wednesday January 3. 1872

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterday's proceedings
was read and approved.

54 Juana Zafoya, Appellant } Appeal Bernalillo
vs } Co. 2nd District
Manuel Garcia et als }

The motion for a reargument
of this Cause is now set down for
hearing on Tuesday next.

67 The Territory } Appeal Dona Ana Co.
vs } 3rd District
Encarnacion Dominguez }

And now comes the said
Territory appellee, by her Attorney
General and moves the Court to dis-
miss the appeal herein for want
of prosecution. And said motion
not being resisted and no one ap-
pearing to prosecute said appeal
the Court sustains said motion: It is
therefore considered by the Court that
the appeal herein be and is hereby
dismissed; and that this Cause be
remitted to the District Court for the
County of Dona Ana to execute the
judgment of the Court below.

3rd Day Wednesday January 3. 1872

The Territory on the relation of Gertrude E. Huntington, and David G. Huntington her husband
vs
Santiago Valdez, Probate Judge of Mora County New Mexico and Vicente Romero
} Appeal Mora County, 1st District

83

The motion of the said appellees by their attorney to dismiss the appeal and affirm the judgment of the District Court herein is now set down for hearing to-morrow morning.

Valentine S. Shelby
vs
The Moreno Water and Mining Company
} Appeal Bonfax Co. 1st District

84

The motion of the said appellee by his attorney to dismiss the appeal and affirm the judgment of the district court herein, is now set down for hearing to-morrow morning.

In the matter of the petition of John Watts administrator of the estate of John F. Russell deceased, for a writ of certiorari to the Probate Court of Santa Fé County.
} Appeal Santa Fé Co. 1st District

The motion to dismiss the appeal herein for want of an assignment of errors is now set down for hearing, tomorrow morning.

3rd Day Wednesday January 3. 1872

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. B. Dolan

Thos. L. Johnson

L. L. Johnson Jr

4th Day Thursday January 4. 1872

Court met pursuant to Adjournment

Present as on Yesterday.

The record of yesterday's proceedings was read and Approved.

The Territory on the Relation of Gertrude E. Huntington and David L. Huntington her husband Appellees vs Santiago Valdez Probate Judge Mora County New Mexico and Vicente Romero 3 Appellants } Appeal Mora County.

Now came on to be heard the motion of said Appellees to dismiss the Appeal herein for want of an assignment of errors, And now comes Mr. Bloom Attorney for the said Appellants and files his affidavit in opposition to said motion, And the same being considered by the Court And the Court being sufficiently advised in the premises over-rules said motion to dismiss, and leave is granted to said Appellants to now file their assignment of errors herein upon payment of costs.

83

Valentine S. Shelby Appellee vs The Mora Water and Mining Company Appellant } Appeal Colfax Co. 1st District.

On application of said Appellant by its attorney, the hearing of the motion to dismiss the Appeal herein is postponed until Saturday morning next

84

4th Day Thursday January 4. 1872

81

Vicente D'Vorin and
John L. May
vs
John Dold,
Fernando Nolan and
Trinidad Lopez
} Appeal
Mora County
1st District
Appellants
Appellees

And now Comes the said Appellees by their Attorney and move the Court to dismiss the Appeal herein, for want of prosecution and said motion not being resisted and no one Appearing to prosecute said Appeal, the Court Sustains said motion It is therefore Considered by the Court that the Appeal in this Cause be and is hereby dismissed and that the said Appellees recover of the said Appellants their Costs in this behalf expended to be taxed and that execution issue therefor.

In the matter of the petition of
John Watts Administrator of the
Estate of John S. Russell
deceased, for a writ of
Certiorari to the Probate Court of
Santa Fé County.
} Appeal
Santa Fé
County.

Now Come on to be heard the motion of the said appellees to dismiss the appeal herein for want of an assignment of Errors, and Now Comes the said Appellant and files his affidavit in opposition to said Motion, And the Same being Considered by the Court And the Court being duly fully advised in the premises

4th Day Thursday January 4th 1872

Court rules said motion to dismiss and leave is granted to said appellant to now file his assignment of Errors, herein upon payment of Costs.

Ordered that Court now adjourn until 10 Oclock A. M. tomorrow.

J. H. Lucas

Hezekiah S. Johnson

D. B. Johnson Jr.

5th. Day Friday January 5th 1872

Court met pursuant to adjournment

Present as on Yesterday.

The record of Yesterdays proceedings was read and approved.

Ordered that Court adjourn until 10 O'clock A. M. tomorrow.

J. H. Lucas

Hezekiah S. Johnson.

6th Day Saturday January 6th 1872

Court Met pursuant to adjournment,

Present as on Yesterday. Except Hon D. B. Johnson Jr. absent from sickness

The record of Yesterdays proceedings was read and approved.

Valentine S. Skelby }
vs. } appeal Calfax
The Moores Water Co } County
Mining Company } 1st District

Now Came on to be heard the motion of the said appellees to dismiss the appeal herein for want of an assignment of Errors. And now Comes Mr Clemer for the appellant and files his affidavit in opposition to said Motion. And the same being argued by Counsel, and the Court not being Sufficiently advised in the premises touching said motion under advisement.

Ordered that Court now adjourn until 10 Oclock A. M. on Monday next

J. G. Baldwin
Horace D. Johnson

7th Day Monday January 8. 1872

Court met pursuant to adjournment.

Present as on Saturday.

The record of Saturday's proceedings was read and approved.

Valentine S. Sheeby Appellee } Appeal Boulder County
vs } 1st District
The Morey Water and Mining Company Appellant } Chief Justice Palen Presiding

This Cause having been submitted to the Court on a former day of this term on the motion of the said appellee by his Counsel to dismiss the appeal herein, and affirm the judgment of the Court below in this Cause, with ten per cent upon the amount of said judgment for damages, for reasons stated in said motion; and the Court having then taken said motion, and the affidavit of Mr. Charles P. Blevens Attorney for said Appellant, filed in opposition to said motion, under advisement, and being now sufficiently advised in the premises, now announces its judgment, by Associate Justice H. S. Johnson, sustaining said motion.

It is therefore Considered and adjudged by the Court that the judgment of the Court below in this Cause, be and the same is hereby affirmed with interest at the rate of twelve per cent per annum since the rendition of the same on the third day of April A. D. One thousand eight hundred and Seventy One; and that the

7th Day Monday January 8. 1872

Said Appellee Valentine S. Shelby, do also have and recover of the said Appellant the Moreno Water and Mining Company damages at the rate of ten per cent upon the amount of the said judgment in the Court below in this Cause. Such damages amounting to the Sum of Four Thousand and Fifty five dollars and thirty Nine Cents. And that the said Appellee Valentine S. Shelby recover of the said Appellant the Moreno Water and Mining Company, the amount of said judgment interest and damages, amounting in all to the Sum of Twenty four Thousand four hundred and Ninety three dollars and thirty Nine Cents and also his costs in this behalf expended, as well in the Court below as in this Court to be taxed.

And it appearing to the satisfaction of the Court that William H. Moore, John Reid, Morris Bloomfield, Charles D. Hopkins, Matteo Leynes, Edward H. Bergmann, John Hamilton, Hiram D. Russell, Henry Schwenk, and Jesse Heath are Securities on the Appeal Bond of the said Appellant herein, it is further Considered and Adjudged by the Court, that the said Appellee have judgment against said Securities for the amount of the judgment of the Court below herein, and interest, damages and Costs as aforesaid. And that said Appellee Valentine S. Shelby recover of the said Appellant, the Moreno Water

7th Day Monday January 5. 1874

And Mining Company, and William H. Moore, John Dodd, Morris Bloomfield, Charles S. Hopkins, Mathew Leyner, Edward H. Bergman, John Hamilton, Hiram D. Russell, Henry Dehoent and Jacob Hecht, the said Securities judgment with interest and damages, amounting to the sum of Twenty four thousand four hundred and Ninety three dollars and thirty nine cents and also his costs in this behalf expended, as well in the Court below as in this Court, to be taxed and that execution issue therefor.
And that this judgment be at interest at the rate of twelve per cent per annum, that being the rate of interest expressed in the judgment herein in the Court below.

Ordered that Court adjourn until ten O'Clock A.M. to-morrow.

J. G. Pelton
Regts. S. Johnson
C. P. Johnson

5th Day Tuesday January 5th 1892

Court met pursuant to adjournment

Present as on Yesterday and also Associate Justice H. B. Johnson Jr—

The record of Yesterdays proceedings was read and approved.

Juana Tafoya } Appeal
vs } Bernalillo County
Manuel Garcia et al } 2nd District
Henry Springer

The motion of the said appellant by her Counsel to grant unto said appellant a rehearing and argument of their cause for reasons stated in said Motion being now considered by the court and the court being duly & duly in the premises overrules said motion and denies said motion.

Ordered that Court adjourn until 10 O'Clock A. M. to morrow

J. G. Palen

Reyek. S. Johnson,
H. B. Johnson Jr

9th Day Wednesday January 10. 1872

Court met pursuant to adjournment

Present as on yesterday

The record of yesterday's proceedings was read and approved.

William W. Mills } Appeal
vs } Appellant } Doña Ana County
Frederick O. Burstow and } 3rd District
Samuel J. Jones Appellees }

This cause now came on to be heard and was now argued by Mr. John Watts for Appellant and by Mr. Wheaton for the Appellees, and the Argument of this cause being now concluded and the Court not being sufficiently advised in the premises takes the same under advisement

In the matter of the petition of J. Bonifacio Chaves for a Writ of Habeas Corpus to bring up the bodies of Milnor Rudulph, Juan Cristobal Chaves and Julian Montoya.

Upon reading and filing the petition of J. Bonifacio Chaves, duly verified and dated the 10th day of January A.D. 1872, it is ordered that a writ of Habeas Corpus issue to John R. Johnson, Alejandro Brauch, Jr. Clay Carson and Daniel Fagopan to forthwith bring before this Court the bodies of Milnor Rudulph, Juan Cristobal Chaves and Julian Montoya.

9th Day Wednesday January 10: 1872

Whom it is alleged the said John R. Johnson, Alejandro Branch, H. Clay Carson and Daniel Dapson illegally detain and restrain of their liberty, together with the cause of such detention

The United States of America
On the relation of J. Bonifacio Chaves
vs
John R. Johnson, Alejandro Branch, H. Clay Carson and Daniel Dapson

The marshal now returns the writ of habeas corpus issued herein duly served upon the said John R. Johnson, Alejandro Branch, H. Clay Carson and said persons now produced in Court

The Godies of Milnor Rudulph, Juan Cristobal Chaves and Julian Montoya, Jun obedience to the writ of habeas Corpus issued for that purpose, And not being now prepared to make return to said writ, Hearing the causes of the detention of said parties, the hearing of this matter is now postponed and adjourned until eleven O'Clock A. M. to morrow, And is now set down for hearing at that time.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. Ly Rudulph

Reyes. S. Johnson,

D. R. Johnston

10th Day Thursday January 11. 1872

Court met pursuant to adjournment

Present as on yesterday

The record of yesterdays proceedings was read and approved.

The United States on the relation of
J. Bonifacio Chaves
vs.
John R. Johnson, Alejandro Brach and
H. Clay Carson and Daniel Dyspaw

And now Come the said Respondents by their Counsel Mr. Cleaver and move the Court to dismiss the writ of habeas Corpus and Proceedings herein, for reasons Stated in said motion, And the same Being argued by Counsel and the Court Being Sufficiently advised in the premises over-rules and denies said motion.

Opinion of the Court announced by Associate Justice Hezekiah S. Johnson.

Whereupon the said Respondents by their Counsel now file their return and answer to the writ of Habeas Corpus herein, and upon Application of his Counsel the relator is granted time until Saturday morning next at ten O'clock A. M. to reply to said Answer.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

John Palen

Hezek. S. Johnson
Associate Justice

11th Day Friday January 12. 1872

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

47 6

Reuben Stewart appellee
vs
Reuben B. Maxwell appellant
} Appeal Scuttaré Co. 1st District

This Cause is now set down for hearing on Monday morning next.

On motion of Theodore D. Wheaton Esq. an Attorney of this Court, Louis Sulzbacher Esq. a member of the bar of the first Judicial District Court of New Mexico is now admitted to practice as an Attorney, Counsellor and Solicitor of this Court, And is now duly sworn as such.

Ordered that Court adjourn until ten O'clock A. M. to-morrow.

J. G. Palen

Hezek. S. Johnson,
S. D. Johnson Jr

12th Day Saturday January 13. 1872

Court met pursuant to adjournment

Present as on Yesterday.

The record of Yesterdays proceedings was read and approved.

The United States on the relation of J. Bonifacio Chaves vs John R. Johnson, Alejandro Bronch, H. Clay Carson and Daniel Kaspar

And now comes the said relator by his counsel and files his rejoinder to the Answer of the respondents herein, And now on application of said respondents the hearing of this matter is adjourned and continued, And this matter is now set down for hearing on Monday morning next at ten O'clock A. M.

William W. Mills vs Frederick O. Barstow and Samuel J. Jones

Appeal Dona Ana County 3rd District

This cause having been argued by Counsel and submitted to the Court at a former day of this term and the Court having then taken the same under advisement, now being sufficiently advised in the premises announces its opinion by Chief Justice Palen reversing the Judgment of the Court

12th Day Saturday January 15. 1872

below: it is therefore Considered by the Court that the judgment of the Court below in this cause, be and the same is hereby reversed, And that this cause be remitted to the District Court for the third Judicial District, in and for the County of Doña Ana, for further proceedings, with directions to said Court to Amend the plaintiffs petition in this cause, by striking out of the prayer thereof; all that portion after and following the prayer for Penal damages:

It is further considered by the Court that the said appellant William D. Mills recover of the said appellees Frederick O. Barstow and Samuel J. Jones his costs in this behalf expended, to be taxed & that execution issue therefor.

Ordered that Court adjourn until Monday morning next at ten O' Clock A. M.

J. G. Palen

Hezekiah S. Johnson.

13th Day Monday January 18. 1847

Court met pursuant to adjournment

Present as on Saturday

The record of Saturdays proceedings was read and Approved.

The United States on the Relation of J. Bonifacio Chaves

vs

John R. Johnson, Alejandro Branch, H. Clay Carson and Daniel Kaspaw

And now come the said respondents by their Attorney Mr. Cleaver and move the Court to strike from the files the rejoinder of the Relator to the answer of the respondents herein, and the same being argued by Counsel and the Court being sufficiently advised in the premises overrules and denies said motion. Associate Justice Daniel B. Johnson Jr dissenting.

And now come the said respondents by Mr Cleaver their Attorney and move the Court for leave to Amend their return heretofore filed herein; a proper Amendment attached to said motion, and the same being argued by Counsel and the Court being sufficiently advised in the premises overrules and denies said motion.

On Application of their Attorney leave is now granted to said respondents to file in Court a paper purporting to be a Release from Custody of the persons Alleged to be, by them illegally restrained of their liberty

13th Day Monday January 13th 1872

On motion of S. B. Bemis Esq an Attorney of this Court, Joseph C. Hill Esq. a member of the Bar of the 2nd Judicial District Court of this Territory is now admitted to practise as an attorney, Counselor and Solicitor of this Court And is now duly Sworn As such.

Nestor Montoya appellee
vs
William H. Harris appellant
} Appeal Bernalillo County 2nd District

And now comes the said Appellee by his Attorney Mr: Hill and moves the Court to docket this cause And dismiss the appeal herein for want of prosecution, and to Affirm the judgment of the Court below with ten per cent damages. And it appearing to the Satisfaction of the court that the said Appellant has failed to docket said cause in this Court, And no one appearing to prosecute said appeal or to oppose said motion the Court Sustains said motion. It is therefore Considered by the Court that this cause be placed upon the docket, and that the appeal herein be and is hereby dismissed and the judgment of the Court below affirmed with damages on the amount thereof at the rate of ten per cent, and interest thereon from the date of the rendition thereof in the Court below, at the rate of six per cent per annum.

13th Day Monday January 15. 1872.

And that this cause be remitted to the District Court for the County of Bernalillo with directions to execute the judgment of the Court below herein, and to enter judgment against the securities of said appellant on his appeal bond for the amount of said judgment and damages and the costs herein adjudged against said appellant It is further Considered that the said appellee recover of said appellant his costs in this behalf expended in this Court, taxed Seven dollars and Seventy Cents As also his costs in the Court below, and that the said District Court for the County of Bernalillo issue execution against said appellant and his securities for the amount of such judgment, damages, interest and costs.

Andrew Stewart appellee
vs
Lucien B. Maxwell appellant
} Appeal, Santa Fé County 1st District.

This Cause now came on to be heard and was now argued by Mr Wheaton for the appellant and there not being time to conclude the argument of this cause on this day, the same is continued and postponed until tomorrow.

Ordered that Court Adjourn until ten O'Clock A. M. to-morrow.

J. B. Palen
Clerk S. Supreme Court

14th day Tuesday January 16. 1872

Court met pursuant to adjournment

Present as on Yesterday.

The record of yesterdays proceedings was read and Approved.

The Muted on the relation of
J. Boniface's Slaves
No 33
John R. Johnson, Alejandro Braud,
H. Clay Larson and Daniel Fapjas

This matter now Came on to be heard, and a portion of the Witness of the respondents being presented and there not being Time on this day to Conclude the Hearing of this Cause, the Same is adjourned and Continued until to-morrow.

Ordered that Court adjourn until half past eight O'clock A.M. to-morrow.

J. S. Parker
Hezek. d. Johnson
D. J. Johnson

15th Day Wednesday January 17. 1872

Court met pursuant to adjournment.

Present as on yesterday

The record of yesterdays proceedings was read and approved.

82-V

Andrew Stewart appellee
vs
Lucien B. Maxwell appellant

This cause again came on to be heard and was now argued by Mr. Elkins for the appellee and by Mr. Wheaton for appellant. And the argument of this cause being now concluded, and the Court not being sufficiently advised in the premises, takes the same under advisement.

The United States on the relation of
J. Bonifacio Chaves.
vs
John R. Johnson, Alejandro Branch,
H. Clay Carson and Daniel Dyas

This matter again came on to be heard, and the remainder of the evidence of the respondents and also the evidence for the relator, being presented and this cause being now prepared for hearing, is now set down for argument at 6 1/2 O. Clock P. M. to-morrow.

16th Day Wednesday January 17. 1872

In the matter of the Petition of } Appeal
John Watts Administrator of the } from Santa Fe County
Estate of John P. Russell deceased, } 1st District
For a writ of Certiorari to the }
Probate Court of Santa Fe County }

This matter is now set down for hearing on Friday morning next.

Ordered that court adjourn until ten O. Clock A. M. to-morrow.

J. G. Palen

Reuel B. Sutherland
S. C. Johnson

16th Day, Thursday January 18. 1872

Court met pursuant to adjournment.

Present as on Yesterday

The Record of Yesterdays' proceedings was read and approved.

Andrew Stewart
vs
Lucien B. Maxwell

Appeal
Santa Fé County
1st District

Appellee
Appellant

This Cause having been Argued by Counsel and Submitted to the Court at a former day of this term, and the Court having then taken the Same under advisement and being now Sufficiently advised in the premises, now announces its opinion by Associate Justice H. S. Johnson, Affirming the Judgment of the Court below.

It is therefore Considered and Adjudged by the Court that the Judgment of the Court below in this Cause be and the same is hereby in all respects Affirmed with Interest thereon at the rate of Six per Cent per annum, Since the rendition thereof on the twenty fifth day of February A. D, One thousand eight hundred and Seventy One. And that the said Appellee Andrew Stewart recover of the said appellant Lucien B. Maxwell, the Amount of said Judgment and Interest, Amounting to the Sum of Ten thousand and Eighty Seven dollars and Eighty Cents together with his Costs in this behalf expended to be taxed and that Execution issue therefor.

16th Day Thursday January 18. 1872

And it Appearing to the Satisfaction of the Court, by the record herein, that James L. Johnson, D. Bernard Rock, Charles S. Hopkins and Alexander Valle are Securities on the Appeal Bond of the said Appellant herein; It is further Considered and adjudged by the Court that the said Appellee have judgment against said Securities for the Amount of said Judgment, Interest and Costs, and that the said Appellee Andrew Stewart recover of the said Appellant Lucien B. Maxwell and James L. Johnson, D. Bernard Rock, Charles S. Hopkins and Alexander Valle his Securities the said Sum of Ten Thousand and eighty Seven dollars and eighty Cents and also his Costs in this behalf expended, as well in the Court Below as in this Court, to be taxed; And that the record of this Cause be remitted to the District Court for the County of Santa Fe, where this Cause was tried and from whence it came into this Court, with Directions to issue execution on this Judgment.

Associate Justice H. S. Johnson has leave to file a written Opinion herein in Vacation And Chief Justice Palen to file in writing his reasons for the judgment in the Court below.

16th Day Thursday January 18. 1872

The United States on the relation
of J. Bonifacio Chaves.
vs
John R. Johnson, Alejandro Branch,
H. Clay Carson and Daniel Dappan

This matter now came on again to be heard, and was now argued by Mr. Cleaver for the respondents and by Messrs Elkins and Catron for the relator and the Argument of this matter being now concluded and the Court not being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten O'Clock A.M. To-morrow.

J. F. Reilen

Hezek S. Johnson,
J. R. Johnson Jr

17th Day Friday January 19. 1872

Court met pursuant to Adjournment

Present as on yesterday

The record of yesterday's proceedings was read and Approved.

80 Louis Bays and Prudencio Benavidez Defts. Elors } Error from Dona Ana County 3rd District
Vs
Charles Blummer Pltf. below.

There being no transcript of the record of the court below in this Cause, filed in this Court: it is ordered by the Court that this Cause stand Continued until the next term of this Court; it is further considered by the Court that the writ of error herein be dismissed, unless the plaintiffs in error shall file in this Court ~~ten days~~ before the first day of the next term thereof, a true and perfect transcript of the record of the Court below in this Cause.

81 In the matter of the petition of John Watts, Administrator of the estate of John S. Russell deceased, for a writ of Certiorari to the Probate Court of Santa Fé County } Appeal Santa Fé County 1st District

This matter now came on to be heard and was now Argued by Mr. Bloom for the appellant and by Mr. Ellis for the appellee, and the argument of this Cause being now concluded and the Court not

17th Day Friday January 19th 1872

Being Sufficiently advised in the premises takes the same Under advisement.

Ordered that Court adjourn until ten O'Clock A.M. to-morrow.

J. H. Palen

Hezekiah S. Johnson,
Wm. G. Johnson Jr

18th Day Saturday January 20. 1872

Court met pursuant to adjournment

Present as on Yesterday.

The record of yesterdays proceedings was read and approved.

In the matter of the petition & Appeal
of John Watts, Administrator of } Santa Fé
the estate of John D. Russell } County.
deceased, for a writ of Certiorari } 1st District.
to the Probate Court of Santa }
Fé County.

This matter having been argued by Counsel and submitted to the Court at a former day of this term, and the Court having taken the same under advisement and being now sufficiently advised in the premises now announces its opinion, by Associate Justice D. B. Johnson Jr. Affirming the Judgment of the Court below.

It is therefore Considered by the Court that the Judgment of the Court below in this cause, be and the same is hereby affirmed; And that the Appellant John Watts pay the costs herein, as well in this Court as in the Court below, to be taxed and that execution issue therefor.

18th Day Saturday January A.D. 1892

The Territory on the relation of Gertrude E. Huntington Administratrix &c. } Appeal from Mora County 1st District
vs. David L. Huntington her husband. Appellees
No.
Santiago Valdez Probate Judge of Mora, County New Mexico and Vicente Romero, Appellants

This Cause now came on to be heard and was now argued by Mr. Cleaver for the Appellants and by Mr. Elkins for the Appellees, And the Argument of this Cause being now concluded and the Court not being sufficiently advised in the premises, takes said Cause under advisement.

Ordered that Court adjourn until ten O' Clock A.M. on Monday next.

H. G. Baker

Hezekiah S. Johnson
S. B. Johnson

19th Day Monday January 22. 1872

Court met pursuant to adjournment

Present as on Saturday.

The record of Saturday's proceedings was read and approved.

The United States } Appeal. 1st District
vs
William Knox } Appellant

And now Come the said plaintiffs by their District Attorney and move the Court to docket this Cause and dismiss the appeal herein for want of prosecution: And it appearing to the Satisfaction of the Court that the said appellant has failed to file in this Court a transcript of the record of the Court below in this Cause: And no one appearing to prosecute said appeal or to oppose said motion; the Court sustains said motion;

It is therefore Considered by the Court that this Cause be placed upon the docket and that the appeal herein be and is hereby dismissed; And that the said Appellees the United States recover of the said Appellant their costs in this behalf expended to be taxed and that execution issue therefor

19th Day Monday January 22. 1872

The United States on the Relation
of J. Bonifacio Chaves
Vs
John R. Johnson, Alejandro Branch,
H. Clay Carson and Daniel Sapaw
This Cause having been
Argued by Counsel and Submitted to the
Court at a former day of this Term, and the
Court having then taken the same under
Advisement, and being now sufficiently
Advised in the premises, now announces
its Decision by Associate Justice H. S. Johnson
in the words following, to wit:
In this Case the Court find and determine
as follows:
1st The action of the House of Representatives
On the 5th day of January A.D. 1872 whereby
the Seats of Buenaventura Lobato, Juan
Antonio Sanchez, Antonio Ortiz Gallegos
and Antonio de Jesus Briseno were
declared vacant and Jose Cordova,
Mateo Romero, Juan D. Gonzales and
Mariano Antonio Montoya, admitted
to Seats in the House of Representatives,
was unauthorized, Illegal, Revolutionary
and void.
2nd The eleven members of the House of
Representatives who remained in the hall
of the House after the Adjournment of
the House by the Speaker on the 10th day
of January 1872, had no legal right
or Authority to order a Call of the House
or to transact any other business in a
Legislative Capacity, and the order made
by said members for the Arrest of
Milnor Rudulph, Julian Montoya and

19th Day Monday January 22. 1872.

Juan Cristobal Chaves together with Others under such Call and the Warrant for their arrest were without Authority of law. The arrest and detention of the Relators Milnor Rudulph, Julian Montoya and Juan Cristobal Chaves by virtue of such warrant was therefore illegal.

It is therefore Considered by the Court that the Relators Milnor Rudulph, Julian Montoya and Juan Cristobal Chaves, be and they are hereby discharged And that the respondents John R. Johnson, Alejandro Branch, H. Clay Carson and Daniel Sappow pay the Costs of the proceedings herein, taxed at One hundred and forty nine & 30/100 dollars. Associate Justice D. B. Johnson Jr. Concurred in the finding of the Court as to the first point but dissented as to the 2nd point of the finding and as to the judgment of the Court. Each of the Judges has leave to file an Opinion in writing on vacation.

Ordered that Court adjourn until ten O'clock A. M. to morrow.

S. G. Palen

Reyes N. Johnson

20th Day Tuesday Jumuary 23. 1872

Court met pursuant to adjournment

Present as on Yesterday.

The record of yesterdays proceedings was read and Approved.

The Territory on the relation of Gertrude E. Huntington Administratrix and David L. Huntington her Husband vs Santiago Valdez Probate Judge of Mora County New Mexico and Vicente Romero } Appeal from Mora County 1st District

This Cause having been Argued by Counsel and Submitted to the Court at a former day of this Term and the Court having then taken the same under advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice H. S. Johnson, Affirming the judgment of the Court below. It is therefore Considered by the Court that the judgment of the Court below in this Cause, be and the same is hereby in all respects Affirmed: And that the said Appellant Vicente Romero pay the costs in this suit: And it appearing to the Satisfaction of the Court that Refugio Valdez and Fernando Nolan are Securities on the Appeal bond of the said Appellant herein, it is further Considered by the Court that the said Appellees have judgment against

20th Day Tuesday January 23. 1872

the said securities for the costs herein, and that the said appellees recover of the said appellant Vicente Romero and Hugo Deedes and Fernando Nolan his securities their costs in this behalf expended to be taxed and that execution issue therefor. Written opinion to be filed in vacation.

Ordered that the rules filed this day with the Clerk be and are hereby adopted as the rules of practice for the Supreme Court and for the District Courts in Common law and in equity cases.

That the rules for the Supreme Court and the rules for the District Courts in Common law cases take effect from and after this date and that the rules for the District Courts in equity cases take effect from and after the first day of July next.

It is further ordered that the Clerk enter the rules in the record and transmit certified copies of the same to the Clerks of the several District Courts.

Andrew Stewart
vs
Lucien B. Maxwell
} Appeal Santa Fé County 1st District

And now the said Appellant by his Attorney and in open Court here gives notice that he will apply for a writ of error in this cause to the Supreme Court of the United States.

20th Day Tuesday January 23. 1872

Ordered that Court adjourn until Eight O'Clock A. M. to-morrow.

J. G. Palen

Hezekiah S. Bothwell

21st Day Wednesday January 24. 1872

Court met pursuant to adjournment.

Present as on Yesterday.

The record of Yesterday's proceedings was read and approved.

Ordered ~~that~~ Court adjourn until Monday 29th January at ten O'Clock A. M.

J. G. Palen

Hezekiah S. Bothwell

Rules of the Supreme Court of the Territory of New Mexico adopted by the Court January 23rd 1872.

Rule 1 (Clerk)

I. The Clerk of this Court shall reside and keep his office at the seat of the Territorial Government. And he shall not practice as an attorney Solicitor or Counsellor in this Court or the District Courts of this Territory while he shall continue to be Clerk of this Court

II The Clerk shall not issue any original record or paper to be taken from the Court room unless the order without day be entered upon the docket.

Rule 2 (Attorneys and Counsellors of this Court)

I No person shall be admissible to the admission of Attorneys or Counsellors to practice in this Court that has not been duly admitted as such in a District Court of this Territory.

II Persons who have been admitted and actively practiced three years as Attorneys in the highest Courts of law in another Territory or State may be admitted without examination to practice as Attorneys and Counsellors in this Court and the District Courts of this Territory. But such persons must have become residents of this Territory before application for admission and must produce satisfactory recommendation from one of the Judges of the highest Court of law of the State or Territory from which they came

III Persons admitted to practice as Attorneys, Solicitors and Counsellors in this Court shall take and subscribe to the following oath or affirmation, viz: I A B — do solemnly swear (or affirm as the case may be) that I will demean myself as an attorney and counsellor of this Court uprightly and according to law, and that I will support the Constitution of the United States. A Member of the Supreme Court upon retiring from the bench may practice as attorney Solicitor and Counsellor in the Supreme and District Courts on signing the roll and taking the official Oath

IV Any Attorney may shall be dismissed or Suspended from practice by this Court or either of the District Courts of this Territory shall be thereby disqualified from practicing in this Court or either of the District Courts while such delinquency continues. Provided, that when any Attorney shall be so suspended or dismissed by a District Court the Court ordering the same shall certify to the Supreme and District Courts the order of dismission or suspension, together with the cause thereof and when an Attorney is Suspended from a District Court he shall not be restored to practice in this Court from which he was suspended or dismissed until the restoration of the Judge of such Court.

Rule 3 (Bill of Exceptions)

Hereafter the Judges of the District Courts shall not allow any bill of exceptions which shall contain the charge of the Court at large to the jury, in trials at common law, before

any general specification to the whole of such charge; but the party excepting shall be required to state distinctly the several matters of law in such charge to which he excepts; and such matters of law and those only shall be inserted in the bill of exceptions allowed by the Court

Rule 4 (Motions)

All motions shall be reduced to writing.

Rule 5 (Return to a/peal & Writ of Error)

I The Clerk of the Court in which any a/peal shall be allowed or to which writ of Error shall be directed may make return of the same by transmitting a true copy of the record & all of all proceedings in the cause, under his hand and the seal of the Court.

II No cause will hereafter be heard until a complete record, containing in itself, without reference, all the papers, exhibits, depositions and other proceedings which are necessary to the hearing in this Court, shall be filed.

III Whenever it shall be necessary or proper in the opinion of the Judge of any District Court that original papers of any kind should be inspected in this Court, upon a/peal or writ of Error, such Judge may make such rule or order for the safe keeping, transporting and return of such original papers as to him may seem proper; and this Court will receive and consider such original papers in connection with the transcript of the proceedings.

Rule 6 (Docketing Cases)

The Clerk shall enter causes upon the docket in the order of the date of the allowance of the appeal or writ of error thereon, specifying such date upon his docket

Rule 7 (Translations)

Whenever any record transmitted to this court upon a writ of error or appeal shall contain any document, paper, testimony or other proceeding in a foreign language, and the record does not also contain a translation of such document, paper, testimony or other proceeding made under the authority of the District Court, the record shall not be received, but the case shall be returned to this Court by the Clerk and the Court will thereupon remand it to the District Court in order that a translation may be there supplied and inserted in the record

Rule 8 (Certiorari)

No certiorari for diminution of the record shall be allowed in any cause, unless a motion therefor shall be made in writing and the facts on which the same is founded shall, if not admitted by the other party, be verified by affidavit, and all motions for such certiorari shall be made at the first term of the entry of the cause; otherwise the same shall not be granted, unless upon special cause shown to the Court accounting satisfactorily for the delay

Rule 9 (Death of a party)

I Whenever, pending a writ of error or appeal in this Court, either party shall die the proper representatives in the jurisdiction or realty of the deceased party, according to the nature of the case, may voluntarily come in and be admitted parties to the suit and thereupon the cause shall be heard and determined as in other cases: And if such representatives shall not voluntarily become parties, then the other party may suggest the death upon the record, and thereupon on motion obtain an order that unless such representatives shall become parties within the first ten days of the ensuing term, the party moving for such order, if defendant in Error or appellee shall be entitled to have the writ of error or appeal dismissed: And if the party so moving shall be plaintiff in error or appellant he shall be entitled to open the record and on hearing have the same reversed if it be erroneous.

II When the death of a party is suggested, and the representatives of the deceased do not appear by the tenth day of the term next succeeding the suggestion, and no measures are taken by the opposite party within that time to compel their appearance, the cause shall abate.

Rule 10 (No appearance of Plaintiff)

When there is no appearance for the plaintiff in error or appellant, when the cause is called for trial the defendant may have the plaintiff in error or appellant called and dismiss the writ of error or appeal or may open the record and pray for an affirmance.

Rule 11 (No appearance of Defendant)

When the defendant in Error or appellee fails to appear when the cause shall be called for trial, the Court may proceed to hear an argument on the part of the plaintiff in Error or appellant And to give judgment according to the right of the cause

Rule 12 (No appearance of either party)

When a case is reached in the regular call of the docket, and no appearance is entered for either party the case shall be dismissed at the costs of the plaintiff in Error or appellant

Rule 13 (Neither party ready at second term)

When a case is called for argument at two successive terms, and upon the call at the second term neither party is prepared to argue it, it shall be dismissed at the costs of the plaintiff in Error or appellant unless sufficient cause is shown for further postponement

Rule 14 (Written or printed Arguments)

In all cases brought into this Court by appeal, writ of Error or otherwise, the Court will receive written or printed arguments without regard to the number of the case on the docket, if the counsel on both sides shall choose so to submit the same within the first twelve days of the term but five copies of the argument, signed by attorneys or counsellors of this Court must be so

filed; three of these copies for the Court use for Counsel and one to be retained by the Clerk

Rule 15 (Counsel)

Only two Counsel shall be permitted to argue for each party plaintiff and defendant, in cause: and no Counsel will be permitted to speak in the argument of any cause, more than two hours, without the special leave of the Court obtained before the Argument begins.

Rule 16 (Briefs)

I Counsel will not be heard unless a written or printed brief or abstract of the case be first filed together with the points intended to be made and the authorities cited in support of them arranged under the respective points.

II The same shall be signed by an Attorney or Counsellor of this Court

III If one of the parties omits to file such a statement he cannot be heard and the case will be heard ex parte upon the argument of the part by whom the statement is filed.

IV Five written or printed copies of the abstract, points and authorities required by this rule shall be filed with the Clerk, by the Plaintiff in Error or Appellant on or before the first day of the term and by the Defendant in Error or Appellee on or before the third day of the term

Rule 17 (Order of Argument)

The Plaintiff in Error or Appellant, shall be

entitled to open and conclude the argument; but when there are cross appeals, they shall be argued together as one case and the plaintiff in the first court shall be entitled to open and conclude the argument-

Rule 18 (Damages)

I In cases where a writ of error or appeal from a court to this Court shall delay the proceedings on the judgment of the District Court, and shall appear to have been taken or sued out merely for delay, damages shall be awarded to the appellee or defendant in error at the rate of ten per cent on the amount of the judgment-

II The same rule shall be applied to decrees for the payment of money in cases in Chancery

Rule 19 (Opinions of the Court)

All opinions delivered by the Court shall immediately upon the delivery thereof, be delivered over to the Clerk to be recorded and filed by the Clerk for preservation

Rule 20 (Call of the Docket-)

I All cases on the calendar ready for argument as hereinafter provided, shall be heard when reached in the regular call of the docket, and in the order in which they are entered,

II Criminal cases may be advanced by order of the Court on motion of either party

III Cases in which the United States are concerned, either as a party or when a question of general

public interest may also by leave of the court be advanced upon motion of the United States District Attorney

IV Five or more cases involving the same question may by leave of the Court be heard together, but they must be argued as one case.

Rules of practice for the District Courts of the Territory of New Mexico in common law cases Adopted by the Court January 23rd 1872

Rule 1

Applicants for admission to practice as attorneys Solicitors and Counsellors in the District Courts, who are entitled to examination, shall be examined in open Court by the presiding Judge or by a committee specially appointed for that purpose; no private examination shall be permitted

Rule 2

To entitle an applicant to examination, he must prove to the Court

I That he is a citizen of the United States, that he is twenty one years of age, a resident of the county in which he applies, and furnish the Court with satisfactory evidence of good moral character.

II The evidence of good moral character shall be the certificate of a respectable counsellor of the Court or some other respectable person known to the Court or of a committee to be appointed by the Court. Such

Certificate shall not be conclusive evidence, and the Court must be satisfied on that point after a full examination and inquiry

III Such applicant must sustain a satisfactory examination upon the law of personal and real property, contracts, partnership, negotiable paper, principal and agent, principal and surety, insurance, executors and administrators, bailments, corporations, personal rights, domestic relations, wills, equity jurisprudence, pleadings, practice and evidence

IV Applicants for admission from states or other Territories shall conform to the foregoing rules: The examination may be dispensed with if they produce a certificate from a Judge of the highest original jurisdiction in the state or territory from which they came to the effect that for three years immediately preceding they have practiced as attorneys or counsellors in such Courts and that they are in good standing as such attorneys or counsellors

V Applicants when admitted shall sign a roll and take the oath of office prescribed upon admission to the Supreme Court to wit I do solemnly swear (or affirm as the case may be) that I will demean myself as an attorney and counsellor of this Court uprightly and according to law, and that I will support the constitution of the United States

Rule 3

All process which may issue in returnable at a term of the Court, shall be returned on the first day of the term unless otherwise specially directed by the

Rule 4

On pleadings and papers to be filed or served, the attorney, besides inscribing or endorsing his name, shall add thereto his place of business, and if he shall neglect to do so, papers may be served on him at his place place of residence, through the mail, by directing them according to the best information which can conveniently be obtained concerning his residence and paying postage thereon. If neither place of business or residence can be found service may be made by filing the papers with the Clerk. This rule shall apply to a party who prosecutes or defends in person, whether he be an attorney of the Court or not,

Rule 5

Service of notice of appearance or retainer generally by an attorney for the defendant, shall in all cases, be deemed an appearance, And the plaintiff, on filing such notice, at any time thereafter, with proof of service thereof may have the appearance of the defendant entered as of the time when such notice was served

Rule 6

An Attorney may changed by consent, or upon cause shown, and upon such terms as shall be just, upon the application of the client; by the order of the Court and not otherwise

Rule 7

No private agreement or consent between the parties or their Attorneys or counsel in respect to the proceedings in a cause, shall be binding, unless the same shall have been reduced to the form of

an order by consent, and extend, or unless the evidence thereof shall be in writing, subscribed by the party against whom the same shall be alledged, or by his Attorneys or counsel

Rule 8

If the defendant to appear shall fail in any case (after due service of the summons) on the first day of the term at which the summons shall be returnable and the defendant required to appear, the plaintiff may have the defendant called, and have judgment by default against him

Rule 9

If the defendant in any any case after having been ruled to plead, shall fail to file his legal exception demurrer or plea within the time prescribed by the rule the plaintiff may have judgment by default, and the plaintiffs petition may be dismissed with costs if he shall fail to reply to the defendents plea within the time allowed him for that purpose, by order of the Court

Rule 10

When a default shall have been regularly entered the same shall not be opened, or set aside, unless the defendant at the same term of the Court shall file an affidavit of merits, and produce the plea he proposes to file verified by oath, and submit to such terms as the Court may deem just

Rule 11

Every affidavit of merits shall be substantially in the following form; that is to say. A. B. the

defendant in the above entitled cause being duly sworn says that he has fully and fairly stated the facts constituting his defense in this action, to (C.D.) of / his counsel in this cause, but that he this defendant has a good and substantial defense upon the merits to the whole (or some part of the cause of action upon which the suit is brought, or he is advised by his said counsel, after such statement made to him, and as this defendant verily believes.

Rule 12

On the trial of issues of fact, one counsel only on each side shall sum up the cause and no counsel shall occupy more than one hour in summing up unless by permission of the court

Rule 13

It shall not be necessary to call the plaintiff when the jury return to the bar to deliver their verdict but the plaintiff shall have no right to submit to a nonsuit after the jury have gone from the bar to consider of their verdict

Rule 14

In every cause originating in a Probate Court or Justice Court brought into this Court by appeal or certiorari, either party after the return is filed with the clerk, and the cause docketed upon filing his affidavit or that of his attorney showing that the return is defective and specifying the defect, or defects therein shall have an order of course to the Probate Court or justice court requiring the Probate Court or Justice to

amend the return in the particulars specified ... the affidavit and file such amended return with the Clerk on or before a day to be specified in ... order, or in default thereof to show cause ... that day, why the return not be amended ... required as required by the order, But such ... shall not be entered without leave of the C... after the sixth day of the term of the C... at which the cause shall be first docketed

Rule 15

In causes originating in Probate Courts ... justices Court and brought into the District ... Court by appeal or certiorari of the appellant ... plaintiff in Error shall not procure the cause ... be docketed on or before the third day of the ... at which the return shall be made, the appellee or defendant in error, may on motion have ... cause docketed and the appeal or certiorari ... missed, or at his election he may have the ... ment below affirmed and judgment rendered ... for the same with costs against the appellant ... or plaintiff in Error and his securities

Rule 16

Whenever any cause originating in a Probate Court or justices Court shall stand regularly ... on the docket, and the plaintiff below, if ... shall be appellant or plaintiff in Error ... not appear to prosecute his suit, the defendant ... may have the plaintiff called and the appeal ... or certiorari dismissed for want of prosecution.

And when the defendant below shall have ... the appeal or suit or writ of certiorari ... shall fail to appear when the cause is ...

called on the docket, the plaintiff may have have the appeal or certiorari dismissed or at his election the plaintiff may have the judgment below affirmed and judgment rendered for the same with costs against the defendant and his sureties

Rule 17

Whenever a judge or other officer approves the security to be given in any case, or reports upon its sufficiency it shall be his duty to require personal sureties to qualify, & if the security offered is by way of mortgage on real estate, to require proof of the value of such real estate, And all bonds, undertakings and other securities in writing, shall be duly approved or acknowledged in like manner as deeds of real estate before the same shall be received or filed.

Rule 18

No change of venue shall be granted in a civil case unless the motion for the same shall be made at the term the cause is first docketed, or in case of a motion for a second change of venue under the statutes such motion shall be made at the first term of the court after such first change held in the county at which the venue shall have been changed. And in criminal cases no change of venue shall be allowed unless the motion for such change shall be made at the first term of the court succeeding that at which the indictment shall have been presented, and in case of a motion for a second change such motion shall be made at the

first-term of the court-subsequent-to such first-change held in the county to which the venue shall have been changed

Rule 19

Every demurrer shall distinctly specify the grounds of objection to the pleading. Unless it do so, it may be disregarded, and demurrer may be taken to the whole pleading or to any of the alledged causes of action or defense stated therein

Rule 20

The defendent-may demur to one or more several causes of action stated in the petition and answer the residue

Rule 21

Sham and irrelevant-pleas and defenses may be stricken out on motion and upon such terms as the Court-may in their discretion

Rule 22

If irrelevant or redundant matter be inserted in a pleading it-may-be stricken out-on motion of any person aggrieved thereby, And when the allegations of a pleading are so indefinite or uncertain that the precise nature of the charge or defense is not apparent, the Court-may require the pleading to be made definite and certain by amendment

Rule 23

Every pleading in a district-court-must-be subscribed by the party or his Attorney

Rule 24

If a reply to any defence set up by the answer of the defendant be insufficient the defendants may demur thereto.

Rule 25

In the construction of or pleading, for the purpose of determining its effect, its allegations shall be liberally construed, with a view of substantial justice between the parties

Rule 26

The Court may in all cases order a bill of particulars of the claim of either party to be furnished, and if the same shall not be furnished within the time prescribed by the order the defaulting party may be precluded from giving evidence of his claim.

Rule 27

All pleadings and other proceedings shall be fairly and legibly written without any material alterations erasures or interlineations and if not so written as aforesaid the Clerks shall not file the same nor will the Court hear any motion or application founded thereon

Rule 28

The District Courts may make such further rules in regard to the transaction of business before them, respectively not inconsistent with the foregoing rules, as they in their discretion may deem necessary

Rules of practice for the District Courts of the Territory of New Mexico in Equity Cases Adopted by the Court January 23rd. 1872 to take effect on the 1st day of July 1872

Rule 1

The District Courts, as Courts of Equity, shall be deemed always open for the purpose of filing bills answers and other pleadings, for issuing and returning process and commissions and for making and directing all interlocutory motions orders rules and other proceedings preparatory to the hearing of all cases upon the merits, and by stipulation and consent of parties cases may be heard upon their merits at Chambers in Vacation

Rule 2

All motions rules, orders, and other proceedings except final decrees made and directed at Chambers shall be entered by the register in the books of Chambers records to be kept at the Registers office for that purpose on the day when they are made and directed; which book shall be open at all office hours to the free inspection of the parties to any suit in Equity and their solicitors

Rule 3

All pleas and applications in the Register's office for the issuing of mesne process and final process to enforce and execute decrees, for filing bills, answers, pleas demurrers, and other pleadings, for making amendments to bills and answers; for taking bills for confessed, for filing depositions, and for other proceedings in taking letters office which do not, by the rules here-

matter. hereunder, requiring any allowance or order of the Court, shall be decided motions and applications grantable of course by the Registrar of the Court, but the same may be suspended altered or rescinded, by the Court, upon special cause shown

Rule 4

All motions for rules or orders and other proceedings which are not grantable of course, or without notice, shall be made upon not less than four days notice to the adverse party or his Solicitor unless the Court may in cases of injunctions grant the same without notice, if the nature of the case in the opinion of the Court requires such action.

Rule 5

The process of subpoena shall constitute the proper process in all suits in equity, in the first instance, to require the defendant to appear and answer the allegations of the bill; and unless otherwise provided in these rules or specially ordered by the Court, a writ of attachment if the defendant be found, and if the defendant cannot be found, a writ of sequestration, or a writ of assistance to enforce a delivery of possession or writ of execution as the case may require, shall be the proper process to issue for the purpose of compelling obedience to any interlocutory or final order or decree of the Court

Rule 6

Final process to execute any decree may, if the decree be solely for the payment of money, be by a

writ of execution in the form used in the District Court in suits at common law in actions of assumpsit, if the decree be for the performance of any specific act, as, for example, for the execution of a conveyance of land or the delivery up of deeds, or other documents, the decree shall in all cases prescribe the time within which the act shall be done, of which the defendant shall be bound without further notice to take notice; and upon affidavit of the plaintiff or his solicitor, filed in the registers office, that the same has not been complied with within the prescribed time, the register shall issue a writ of attachment against the delinquent-party, from which if arrested thereon, he shall not be discharged, unless upon a full compliance with the decree and the payment of all costs, or upon a special order of the court upon motion and affidavit enlarging the time for the performance thereof. If the delinquent cannot be found, a writ of requestration shall issue against his estate upon the return of non est inventus, to compel obedience to the decree.

Rule 7

When any decree or order is for the delivery of possession, upon proof made by affidavit of a demand and refusal to obey the decree or order, the party prosecuting the same shall be entitled to a writ of assistance from the Register of the Court.

Rule 8

Every person not being a party in any cause, who has obtained an order, or in whose favor an order shall have been made, shall be entitled to enforce obedience to such order by the same process as

he were a party to the cause, and any person not being a party in any cause, against whom obedience to any order of the Court may be enforced, shall be liable to the same process for enforcing obedience to such order as if he were a party in the cause.

Service of Process

Rule 9

No process of subpoena shall issue from the Registers office in any suit in Equity until the bill is filed in the office

Rule 10

Whenever a bill is filed, the register shall issue the process of subpoena thereon, as of course, upon the application of the plaintiff, which shall be returnable into the Registers office in twenty days from the time of the issuing thereof, & the bottom of or on the back of the subpoena, shall be placed a memorandum, of the nature and object of the suit, and that the defendant is to enter his appearance in the suit in the registers office on or before the day at which the writ is returnable, otherwise the bill may be taken pro confesso the writ of subpoena shall contain the names of all the defendants to the suit.

Rule 11

Subpoenas to appear and answer a bill, shall be served in the manner prescribed by law for the service of a summons in a common law action, but a copy of the subpoena shall in all cases of personal service to the defendant be delivered.

Rule 12.

Whenever any subpoena shall be returned non est as to any defendant, the plaintiff shall be entitled to another Latitat against such defendant, if he shall require it until due service is made.

Rule 13.

The writs of all process, mesne and final, shall be by the Marshall of the Territory or his deputy, or by the sheriff of the County in which the suit is brought or his deputy, or by some other person specially appointed by the Court for that purpose, and not otherwise; In the latter case the person suing the process shall make affidavit thereof

Rule 14

Upon the return of the subpoena as served and executed upon any defendant, the Register shall enter the suit upon his docket as pending in the Court and shall state the time of entry

Rule 15

The appearance day of the defendant shall be the day on which the subpoena is made returnable, provided he have been served with process ten days before that day otherwise his appearance day shall be the tenth day after the service of the process. The appearance of the defendant either personally or by his solicitor, shall be entered in the order book on the day thereof by the Register

Rule 16

When the subpoena is served on the defendant or

person, if he does not appear in the suit within the time limited by the preceding rule, the plaintiff on filing proof of the service, may have an order of course to take the bill as confessed from a simple bill of revivor; if the defendant appears, and does not within two days thereafter, plead or demur to the cause, the plaintiff upon filing an affidavit of the facts, may have an order of course that the suit be revived and proceed in the names of the new parties, The plaintiff may have a similar order of course, upon a bill of revivor, or of revivor and supplement or a bill in the nature of a bill of revivor and supplement, where such bill has been taken or confessed, or where the defendant, by his answer consents to a revival of the suit, and when the defendant in his answer to a bill of revivor and supplement, or to a bill in the nature of a bill of revivor and supplement, does not consent to such revival, but does not in his answer, either positively or upon his information and belief deny the facts, stated in the bill, upon which the plaintiff claims the right to revive the suit the plaintiff, upon the bill itself if sworn to or upon an affidavit in other cases that the allegations in the bill are true, and on due notice to the other party, may apply to the court for a special order, that the suit stand revived and proceed in the names of the new parties the

Rule 17

When the defendant appears in a suit, it shall be his duty, unless the time shall be otherwise enlarged for cause shown, by the Court upon motion for that purpose to file his plea, demur

or answer to the bill in the registers office in twenty days after the day of entering his appearance, In default thereof, the plaintiff may, at his election enter an order (as of course) in the order book, that the bill be taken pro confesso; and thereupon the cause shall be proceeded in ex parte, and the matter of the bill may be decreed by the Court at the next sitting term thereof accordingly, if the same case be done without an answer and is proper to be decreed; or the plaintiff, if he requires any discovery or answer to enable him to obtain a proper decree, shall be entitled to process of attachment against the defendant, to compel an answer and the defendant shall not, when arrested upon such process, be discharged therefrom unless upon filing his answer, or otherwise complying with such order as the Court may direct, as to pleading to or fully answering the bill within a period to be fixed by the Court and undertaking to speed the cause

Rule 18

In a suit to foreclose a mortgage, if the bill has been taken as confessed, the right of the plaintiff as stated in the bill is admitted by the record, the plaintiff may have an order (as of course) referring it to a Master to compute the amount due to the plaintiff, and to each of the defendants in case of prior incumbrances of the mortgaged premises, and to examine and report whether the mortgaged premises can be sold in parcels if the whole amount secured by the mortgage has not become due, If the defendant is an infant, and has put in a general answer by his Guardian, or if any of the

defendants are retained the order of reference shall also direct the manner in which the proof of the facts and circumstances stated in the bill, and to examine the plaintiff or his agent or attorney as to any payments which have been made and to conduct the account due on the mortgage, preparatory to the adjudication for a decree of foreclosure and sale

In foreclosure cases where the bill is taken as confessed before the decree is entered, a statement by affidavit of the defendants who have not appeared and the amount and the regularity of the proceedings to take the bill as confessed, the affidavit of regularity shall state that the bill has been taken as confessed personal service of the subpoena on all the defendants or a like certificate of service, or if a proceeding against them, or some of them as directed in the case may be, and that all the proceedings to take the bill as confessed have been regular

Rule 10

On every order or decree for the sale of mortgaged premises, the description and boundaries of the property to be sold, so far as known to the Court can be ascertained from the mortgage shall be inserted and unless otherwise ordered by the Court the decree shall direct that the mortgaged premises, or as much thereof as may be sufficient to pay the amount due to the plaintiff, for principal interest and costs, and which may be sold separately without ascertaining whether the parties interested, be sold by or under the di-

section of a master, or special master appointed for that purpose, and that the plaintiff or any other party may become a purchaser at such sale; that the master execute a deed to the purchaser; that out of the proceeds of the sale; the master pay to the plaintiff or his solicitor the amount due for interest and costs, or so much as the purchase money will pay of the same, and that before the master pay the plaintiff or his solicitor for the amount so paid and file the same with his report; the he bring the surplus money if any there be, into Court without delay, and in case of a deficiency that he report the amount of such deficiency; and that the purchaser at such sale be let into possession of the premises on production of the Master's deed

Rule 29

Where mortgaged premises or other real estate directed to be sold, consist of several distinct lots or parcels, which can be sold separately without diminishing the value thereof, or such sale, it shall be the duty of the master conducting the sale, to sell the same in separate lots or parcels, unless otherwise directed by the Court, But if the master is satisfied that property will sell to greater advantage if sold together than in separate lots or parcels, he may sell it together, unless otherwise directed in the order of sale.

Rule 31

Whenever a Master sells mortgaged premises under a decree or order, or Judgment of the Court,

it shall be the duty of the plaintiff before a deed is executed to the purchaser, to file such mortgage in the office of the register, unless such mortgage has been duly proved or acknowledged so as to entitle the same to be recorded; in which case if it has not been already done, it shall be the duty of the plaintiff to cause the same to be recorded, at full length, in the county or counties where the lands so sold are situated, before a deed is executed to the purchaser on the sale the expense of which filing or recording and the entry thereof shall be allowed in the taxation of costs. And if filed with the register he shall enter in the minutes the filing of such mortgage, and the time of filing. But this rule shall not apply to any case where the mortgage appears by the pleadings or proof in the suit commenced thereon, to have been lost or destroyed.

Rule 22

When surplus moneys arise upon the sale of mortgaged premises, on filing the report of the sale, any party to the suit; or any person who had a lien on the mortgaged premises at the time of the sale upon filing with the register where the report of sale is filed, a notice stating that he is entitled to such surplus moneys, or some part thereof, and the nature and extent of his claim, may have an order of reference (as of course) to a master to ascertain and report the amount due to him, or to any other person, which is a lien upon such surplus moneys, and to ascertain the priorities

of the several lines thereon, to the end, that, on the coming in and confirmation of the report, such further order may be made for the distribution of such surplus moneys as may be just. Every party who appeared in the cause, or who shall have such notice with the register previous to the entry of the order of reference, shall be entitled to service of a notice to attend on such reference, and to the usual notice of subsequent proceedings relative to such surplus. But if such claimant has not appeared, or made his claim by a solicitor of the court, the notice may be served by putting the same in the post-office and pre-paying the postage thereon, directed to the claimant at his place of residence as stated in the notice of his claim

All official searches for conveyances or incumbrances, made in the progress of the cause, shall be filed with the register, and notice given to any person having an unsatisfied lien on the surplus moneys, in such manner as the court shall direct

Rule 23

When a suit is brought to obtain a divorce or separation, or to declare a marriage contract void, if the defendant fail to answer the bill or if the facts charged in the bill are not denied in the answer, the court shall order a reference to a master to take proof of all the material facts charged in the bill, and when the suit is for a divorce, on the ground of adultery, unless it be answered in the bill that the adultery charged was committed without the consent, connivance, privity or procurement of the plaintiff,

that five years have not elapsed since the discovery of the fact that such adultery had been committed, and that the plaintiff has not voluntarily cohabited with the defendant since such discovery; and that at the time of the offense charged, the defendant was living in adulterous intercourse with the person with whom the offense is alleged to have been committed, that five years have not elapsed since the commencement of such adulterous intercourse was discovered by the plaintiff; and the bill containing such averments be not verified by the oath of the plaintiff a decree shall not be made for the relief prayed for in the bill until the plaintiffs affidavit is produced stating the above facts.

Rule 24

To obtain an order of reference, if the bill seeks to annul the marriage on the ground that the party was under the age of legal consent, an affidavit must be produced, showing that the parties thereto have not freely cohabited for any time as husband and wife after the plaintiff had attained the age of consent. If the plaintiff seeks to annul the marriage on the ground that the plaintiffs consent was obtained by force or fraud the plaintiff must show by affidavit that there has been no voluntary cohabitation between the parties as man and wife; and if it seeks to annul a marriage on the ground that the plaintiff was a lunatic an affidavit must be produced showing that the lunacy still continues; or the plaintiff must by his affidavit that the parties have not cohabited as man and wife after he was restored to reason,

Rule 25

On a reference to take proof of the facts charged in a bill for seperation, or limited divorce, the examination of the plaintiff on oath may be taken as to any cruel or inhuman treatment alleged in the bill, which took place when no witnesses were present who are competent to certify to the facts on such reference.

Rule 26

The defendant, in the answer, may set up the adultery of the plaintiff or any other matter which would be a bar to a divorce, seperation or the annulling of a marriage contract.

Rule 27

On a bill filed by a husband for a divorce, if he wishes to question the legitimacy of any of the children of his wife, the allegation that they are or that he believes them to, illegitimate shall be distinctly made in the bill, If a reference is ordered proof shall be taken upon the question of legitimacy as well as upon the other matters stated in the bill

Rule 28

No decree declaring void a marriage contract, or granting a divorce or for a seperation or for a limited divorce, shall be made of course by the default of the defendant, or in consequence of any neglect to appear at the hearing of the cause, or by consent, When no person appears on the part of the defendant, the details of the evidence in adultery cases shall not be read in public, but shall be submitted to the court By order of the court with whom

the proceedings in an adultery cause are filed or before whom the testimony is taken nor any clerk of such office, either before or after the termination of the suit, shall permit a copy of any of the pleadings or testimony or of the substance of the details thereof, to be taken by any other person than a party, or the solicitor of counsel of a party who has appeared in the cause without a special order of the court, nor decree in a suit for divorce shall be entered except upon the special direction of the Court.

Rule 29

Every bill shall ask the special relief to which the plaintiff supposes himself entitled and shall also contain a prayer for general relief; and if an injunction or a writ of ne exeat regno, or any other special order pending the suit, is required, it shall also be specially asked for

Rule 30

If any persons other than those named as defendants in the bill, shall appear to be necessary or proper parties thereto, the bill shall aver the reason why they are not made parties, by showing them to be without the jurisdiction of the Court, and as to persons who are without the jurisdiction and may properly be made parties the bill may pray that process may issue to make them parties to the bill if they should come within the jurisdiction of the court

Rule 31

The prayer for process of subpoena in the bill shall contain the names of all the defendants named in the introductory part of the bill, and if any of them are known to be infants under age, or otherwise under guardianship, shall state the fact, so that the court may take order thereon as justice may require, upon the return of process. If an injunction, or a writ of ne exeat regno or any other special order pending the suit, is asked for in the prayer for relief that shall be sufficient without repeating the same in the prayer for process #

Rule 32

Every bill shall contain the signature of counsel annexed to it, which shall be considered an affirmation on his part that upon the instructions given to him, there is good ground for the suit, in the manner in which it is found.

Rule 33

Bills in which the answer of the several defendants on oath is not waived shall be verified by the oath of the plaintiff, but in case of his absence from the Territory, or other sufficient cause shown, by the oath of his agent attorney or solicitor; And all bills for discovery merely shall be verified in the same manner.

Rule 34

In bills answers, pubitines, which are to be verified by the oath of a party, the several matters

If while out to answer a defendant is charged as a fraudulent person upon any statute in the bill unless the plaintiff shall obtain a dismissal to do so, to

stated charged averred, admitted or denied, shall be stated positively or upon information or belief only according to the fact-
The oath administered to the party, shall be, in substance that he has read the bill answer, or petition, or has heard it read, and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated to be on his information or belief, and as to those matters he believes it to be true, And the substance of the oath administered shall be stated in the Court-

Rule 35

When a cross bill is filed, the plaintiffs who are defendants in the original bill, shall put in and perfect their answer to the original bill before they shall be entitled to an answer to the cross bill, unless the court shall otherwise specially direct-

Rule 36

If the plaintiff waives the necessity of the answer being made on the oath of the defendant; it must be distinctly stated in the bill, when the answer is put in without oath, it may be excepted to for scandal or impertinence but not for insufficiency; and all material allegations in the bill, which are not answered and admitted, may be proved by the plaintiff in the same manner as if they were distinctly put in issue by the answer; And if no replication is filed, the matters of defence set up in the defendants answer will, on the hearing, be considered as admitted by the plaintiffs although the answer is not on oath,

Rule 37

Every bill shall be expressed in as brief and concise terms as it reasonably can be and shall contain no unnecessary recitals of deeds, documents, contracts or other instruments in haec verba, or any other impertinent matter, or any scandalous matter not relevant to the suit. If it does it may on exceptions be referred to a master for impertinence and scandal; and if so found by him, the matter shall be expunged at the expense of the plaintiff and he shall pay to the defendant all his costs in the suit up to that time, unless the Court shall otherwise order. If the master shall report that the bill is not scandalous or impertinent, the plaintiff shall be entitled to all costs occasioned by the reference

Rule 38

No order shall be made by the court for referring any bill answer or pleading, or other matter, or proceeding depending before the court for scandal or impertinence unless exceptions are taken in writing and signed by counsel, describing the particular passages which are considered to be scandalous or impertinent; nor unless the exceptions shall be filed within ten days after the process on the bill be returnable or after the answer or pleading is filed, and such order when obtained, shall be considered as abandoned, unless the party shall within five days from the entry of the order of reference procure the master to examine and report upon the same or the master shall certify that further time is necessary for him to complete the examination

Rule 39

The plaintiff shall be at liberty as a matter of course, and without the payment of costs, to amend his bill in any matter whatever before answer plea or demurrer is filed, and in any small matters afterwards, such as filling blanks, correcting errors of dates misnomer of parties, misdescription of premises, clerical errors, and generally in matters of form. But if he amend in a material point (as he may do of course) after the defendant has answered, he shall without delay furnish him a fair copy thereof, free of erasure, with suitable references to the place in the bill where the amendments are to be inserted. And if the amendments are numerous, he shall furnish in like manner to the defendant a copy of the whole bill as amended; and if there be more than one defendant, a copy shall be furnished to each defendant affected thereby

Rule 41.

After an answer, or plea, or demurrer is put in and before replication, the plaintiff may upon motion or petition obtain from the Court an order to amend his bill within such time as the order shall direct, upon payment of costs or without payment of costs as the court may direct. But after replication filed the plaintiff shall not be permitted to withdraw and to amend his bill, except upon a special order of the Court, upon motion or petition, after due notice to the other party, and upon proof by affidavit that the same is not made for vexation or delay, and that the matter of the proposed amendment is material and could not with

reasonable diligence have been overlooked into the bill, and upon the plaintiffs submitting to such other terms for speeding the cause, as may be enforced by the Court-

Rule #1

If the plaintiff, so obtaining an order to amend his bill after answer, or plea, or demurrer, or after replication shall not file his amendments or amended bill as the case may require, in the register's office, on or before the day named in the order in that behalf, it shall be considered to have abandoned the same and the cause shall proceed as if no application for any amendment had been made,

Rule #2

No defendant's plea shall be allowed to be filed to any bill, unless upon a certificate of counsel, that in his opinion it is well founded in point of law and supported by the affidavit of the defendant - that it is not interposed for delay, and if a plea, that it is true in point of fact-

Rule #3

Any defendant may at any time before the bill is taken pro confesso, or answered with leave of the court, demur or plead to the whole bill or to part of it, and he may demur to part, plead to part and answer as to the residue; but in every case where the bill shall be sworn to charge fraud or combination, a plea to such part must be accompanied with an answer fortifying the plea, and explicitly denying the fraud and combination, and the facts on which the charge is founded-

Rule 44

The plaintiff may set down the demurrer or plea to be argued, or he may take issue on the plea, & upon an issue of the facts stated in the plea be determined for the defendant; they shall avail him as far as in law and equity they ought to avail him

Rule 45

If upon the hearing, any demurrer or plea is overruled, the plaintiff shall be entitled to his costs in the cause up to that period unless the Court shall be satisfied that the defendant has good ground in point of law or fact to withdraw the same, and it was not interposed vexatiously or for delay, and upon the overruling of any plea or demurrer the defendant shall be required to answer the bill, or so much thereof as is covered by the plea or demurrer, in such time as, consistently with justice and the rights of the defendant the cause can be done; in default whereof, the bill shall be taken against him, pro confesso, and the matter thereof proceeded in and decreed accordingly

Rule 46

If upon the hearing, any demurrer or plea shall be allowed, the defendant shall be entitled to his costs, But the Court may in its discretion, upon the motion of the plaintiff, allow him to amend his bill upon such terms as it shall deem reasonable

Rule 47

No demurrer or plea shall be held bad and

overruled upon argument, only because such demurrer or plea shall not cover so much of the bill as it might by law have affected to

Rule 48

No demurrer or plea shall be held bad and overruled on argument, only because the answer of the defendant may extend to some part of the same matter, as may be coved by such demurrer or plea

Rule 49

If the plaintiff shall not reply to any plea, or set down any plea or demurrer for argument within ten days after it is filed, he shall be deemed to admit the truth and sufficiency thereof, and his bill, shall be dismissed as of course unless the Court shall allow him further time for that purpose

Rule 50

The rule, that if a defendant submits to answer he shall answer fully to all the matters of the bill, shall not apply in Cases where he may by plea protect himself from such answer and discovery And the defendant shall be entitled in all cases hereafter to insist upon all matters of defence (not being matters of abatement, or to the character of the parties, or matters of form) in bar of or to the whole of the bill, of which he may be entitled to avail himself by plea in bar and in such answer he shall not be compellable to answer any other matters than he would be compellable to answer on discovery upon filing a plea in bar; and an answer in support of such plea, touching the matters set forth in the bill to avoid or repel the bar or to be

Rule 51

A defendant shall be at liberty, by answer, to decline answering any interrogatory, or part of an interrogatory, from answering which he might have protected himself by demurrer; and he shall be at liberty so to decline, notwithstanding he shall answer other parts of the bill, from which he might have protected himself by demurrer

Rule 52

No special replication shall be filed; and every cause shall be deemed at issue on filing a general replication to the answer, But if any matter alleged in the answer shall make it necessary for the plaintiff to amend his bill, he may have leave to amend the same upon such terms as the court may direct

Rule 53

If the plaintiff does not reply to the defendants answer within ten days after it is deemed to be sufficient, he shall be precluded from replying and the cause shall stand for hearing on bill and answer; but the court may for cause shown extend the time for replying

Rule 54

In every case where an amendment to the bill shall be made after answer filed, the defendant shall put in a new or supplemental answer within ten days after the amendment or amended bill is filed, unless the time is enlarged or otherwise ordered by the Court; but upon the default of the defendant the like proceedings may be had as in cases of an omission to put in an answer,

Rule 55

In all cases where it shall appear to the court that persons who might otherwise be deemed necessary or proper parties to the suit, cannot be made parties by reason of their being out of the jurisdiction of the Court, or incapable otherwise of being made parties, or because their joinder would oust the jurisdiction of the court or as to the parties before the court, the court may in its discretion proceed in the cause without making such persons parties; and in such cases the decree shall be without prejudice to the rights of absent parties

Rule 56

When the parties on either side are very numerous and cannot without manifest inconvenience and oppression delay in the suit, be all brought before the Court, the Court in its discretion may dispense with making all of them parties, and may proceed in the suit having sufficient parties before it to represent all the adverse interests of the plaintiffs and defendants in the suit properly before it. But in such case the decree shall be without prejudice to the rights and claims of all the absent parties

Rule 57

In all suits concerning real estate, which is vested in trustees by devise and such trustees are competent to sell and give discharges for the proceeds of the sale, and for the rents and profits of the estate, such trustees shall represent the persons beneficially interested in the estate or the proceeds, or the rents and profits, in the same manner, and to the same extent, as the executors or administrators

in suits concerning personal estate represent the persons beneficially interested in such personal estate and in such cases it shall not be necessary to make the persons beneficially interested in such real estate or rents and profits parties to the suit; but the court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons to be made parties

Rule 58

In suits to execute the trusts of a will, it shall not be necessary to make the heir at-law a party; but the plaintiff shall be at liberty to make the heir at-law a party where he desires to have the will established against him,

Rule 59

In all cases in which the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the court, as parties to a suit concerning such demand, all the persons liable thereto; but the plaintiff may proceed against one or more of the persons severally liable

Rule 60

When the defendant shall, by his answer suggest that the bill is defective for want of parties, the plaintiff shall be at liberty within fourteen days after answer filed to set the cause down for argument upon that objection only; and the matter for which the cause is so set down shall be notified by an entry in the register's minutes in the form or to the effect following (that is to say) "Set down upon the defendant's objection for want of

parties". And where the plaintiff shall not set down his cause, but shall proceed to a hearing, notwithstanding an objection for want of parties taken by the answer, he shall not, at the hearing of the cause, if the defendant's objection shall then be allowed, be entitled as of course to an order for liberty to amend his bill by adding parties. But the court, if it think fit, shall be at liberty to dismiss the bill

Rule 61

If a defendant shall at the hearing of a cause, object that a suit is defective for want of parties not having by plea or answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the Court (if it shall think fit) shall be at liberty to make a decree saving the rights of absent parties

Rule 62

Where no account, payment, conveyance or other direct relief is sought against a party to a suit not being an infant, the party, upon service of the subpoena upon him need not appear and answer the bill, unless the plaintiff specially requires him so to do, by the prayer of his bill; but he may appear and answer at his option; and if he does not appear and answer he shall be bound by all the proceedings in the cause. If the plaintiff require him to appear and answer, he shall be entitled to the costs of all the proceedings against him, unless the Court shall otherwise direct

Rule 63

Wherever an injunction is asked for by the bill to

stay proceedings at law if the defendant does not entar his appearance and plead, demur, or answer within the time prescribed therefor by these rules, the plaintiff shall be entitled as of course upon motion without notice, to such injunction. But when an injunction shall be granted or a receiver appointed ex parte, the order granting such injunction, or appointing such receiver, shall obtain an order to show cause on some day within ten days, why such order should not be continued in force.

Rule 64

No fees or costs shall be allowed to the receiver beyond actual disbursements, unless the order appointing such receiver shall be continued

Rule 65

After an answer is put in, it may be amended, as of course in any matter of form, or by filling up blanks, or correcting dates or references to documents or other small matters, and for record at any time before a replication is put in, or the cause is set down for a hearing upon bill and answer. But after replication, or such setting down for a hearing, it shall not be amended in any material matters, as by adding new facts or defenses, or qualifying or altering the original statements, except by special leave of the Court upon motion and cause shown after due notice to the adverse party, unless stipulated by agreement. And in any case where leave is so granted, the Court may in its discretion require that the same be separately engrossed and added

as a distinct amendment to the original answer so as to be distinguishable therefrom

Rule 66

After an answer is filed, the plaintiff shall be allowed ten days to file in the registers office exceptions thereto for insufficiency, and no longer, unless a larger time shall be allowed for the same upon cause shown to the court; and if no exceptions shall be filed thereto within that period, the answer shall be deemed and taken to be sufficient

Rule 67

When exceptions shall be filed to the answer for insufficiency within the period prescribed by these rules, if the defendant shall not submit to the same and file an amended answer within ten days, the plaintiff shall be entitled to an order as of course referring the exceptions to a master, and unless he procure and file the masters report upon the exceptions within ten days after the entry of the order of reference the exceptions shall be deemed abandoned, and the answer shall be deemed sufficient - provided however that the court may for good cause shown, enlarge the time for filing or reporting upon exceptions upon such terms as it may deem reasonable

Rule 68

If the exceptions shall be allowed by the master and no exceptions filed to his report as provided in the next preceding rule, the defendant shall be bound to put in a full and complete answer thereto within twenty days, after the report of the master shall be filed, and where exceptions

to the report of the master shall be filed within twenty days and the receipt of the master shall be confessed by his client after the date of the order confirming the master's report; otherwise the plaintiff shall, as of course, be entitled to take the bill, so far as the matter of such exceptions is concerned or confessed, or at his election, he may have a writ of attachment to compel the defendant to make a better answer to the matter of the exceptions. And the defendant, where he is in custody upon such writ, shall not be discharged therefrom but by an order of the Court, upon his putting in such answer and complying with such other terms as the Court may direct;

Rule 69

In every case of a report of a master upon exceptions, either party shall be allowed four days after the report of the master shall be filed with the register to file exceptions to such report, and either party shall be at liberty to bring such exceptions to a hearing before the Court, at chambers or in term, upon a notice of four days to the adverse party; The time for filing exceptions to a master's report upon exceptions under this rule may be enlarged by the court, for cause shown, The prevailing party, upon exceptions, shall be entitled to costs unless otherwise ordered by the court.

Rule 70

After the cause is at issue commissioners to take testimony may be issued by the register accordingly vacation as in term to commissioners to be

by the register, jointly by both parties or severally by either party interrogatories filed by the party taking out the same in the registrar's office, ten days notice thereof being given to the adverse party to file cross interrogatories before the issuing of the commission; and if no cross interrogatories are filed at the expiration of the time, the commissioner may issue ex parte. If the parties shall so stipulate in writing, the testimony may be taken oral interrogatories by the parties or their agents without filing any written interrogatories.

Rule 71

Other testimony is taken before an examiner of the court or before an examiner specially appointed for that purpose, the examiner shall be furnished with a copy of the bill as of course, if any; and such examination shall take place in the presence of the parties or their agents by their counsel or solicitors, and the witness shall be subject to cross examination, and re-examination, which shall be conducted in the mode used in common law courts. The depositions upon such oral examination shall be taken down in writing by the examiner in the form of narration, unless he determines the examination shall be by question and answer in special instances; and when completed shall be read over to the witness and signed by him in the presence of the parties or counsel or such of them as may attend. Provided if the witness shall refuse to sign the deposition the examiner shall sign the same; and the examiner may upon all examinations state any special matters to the court as shall think fit; and any question which may be objected to shall be noted by the

examiner upon the deposition together with the cause or reason alleged for the objection, but he shall not have power to decide on the competency materiality or relevancy of the question; and the Court shall have power to deal with the costs of incompetent immaterial or irrelevant depositions or parts of them, as may be just. Notice shall be given by the respective counsel or solicitors to the opposite counsel or solicitors or parties of the time and place of the examination, for such reasonable time as the examination may fix by order in each cause.

When the examination of witnesses before the examiner is concluded, the original depositions authenticated by the signature of the examiner, shall be transmitted to the register of the Court, to be there filed of record in the mode prescribed in the thirtieth section of the act of Congress of September 24. 1789

Rule 72

Three months and no more shall be allowed for the taking of testimony after the cause is at issue unless the Court shall, upon special cause shown by either party, enlarge the time, and no testimony taken after such period shall be allowed to be read in evidence at the hearing. Immediately upon the return of the commission and depositions containing the testimony into the register's office, publications thereof may be ordered in the register's office by the Court, upon due notice to the parties or it may be enlarged as the court may deem reasonable under all the circumstances. But, by consent of the parties, publication of the testimony may at any time be had in the register's office, such consent

being in writing, and a copy thereof entered in the Registrars minutes or endorsed upon the deposition or testimony

Rule 73

After any bill filed, and before the defendant hath answered the same, upon affidavit made that any of the plaintiffs witnesses are aged or infirm, or going out of the Country, or that any one of them is a sole witness to a material fact, the register of the court shall, as of course upon the application of the plaintiff, issue a commission to such commissioner or commissioners as the court may direct to take the examination of such witness or witnesses de bene esse upon giving due notice to the adverse party of the time and place of taking the testimony

Rule 74

The last interrogatory in the written interrogatories to take testimony shall be substantially as follows, Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause. If you, set forth the same fully and at large in your answer.

Rule 75

Every decree for an account of the personal estate of a testator or intestate shall contain a direction to the master to whom it is referred to take the same, to inquire and state to the court what debts, if any, of such personal estate are outstanding or unsatisfied of unless the court shall otherwise direct

Rule 76

Whenever any matter is referred to a master to examine and report thereon, the party at whose instance, or for whose benefit, the reference is made, shall cause the same to be presented to a hearing within twenty days from the time when the reference was made; if he shall omit to do so, the adverse party shall be at liberty forthwith to cause proceedings to be had before the master, at the costs of the party procuring the reference

Rule 77

Upon every such reference it shall be the duty of the master, as soon as he reasonably can, after the same is brought before him, to assign a time and place for proceedings in the cause and give due notice thereof by summons or otherwise, to each of the parties who have appeared in the cause, or their solicitors; and if either party shall fail to appear at the time and place appointed, the master shall be at liberty to proceed ex parte or in his discretion, to adjourn the examination and proceedings to a future day, giving notice to the absent party or his solicitor of such adjournment; but it shall be the duty of the master to proceed with all reasonable diligence in every such reference and with the least ~~practicable~~ delay, and either party shall be at liberty to apply to the Court for all orders to the master to speed the proceedings, and to make his report, and to certify to the court the reasons for any delay.

Rule 78

On the reports made by the master to the court no part of any state of facts, charge, affidavit,

deposition, examination, or answer brought in or used before him shall be stated or recited. But such state of facts, charge, affidavit, deposition examination or answer shall be identified, specified, and referred to, so as to inform the Court what state of facts, charge affidavit, deposition examination or answer were so brought in and used.

Rule 79

The Master shall regulate all the proceedings in any hearing before him, upon every such reference; and he shall have full authority to examine the parties in the cause, upon oath, touching all matters contained in the reference; and also to require the production of all books, papers, writings, vouchers and other documents applicable thereto; and also to examine on oath *vivavoce* all witnesses produced by the parties before him, and to order the examination of other witnesses to be taken, under a commission to be issued upon his certificate from the register's office, or by deposition according to the act of Congress, or otherwise as hereinafter provided; and also to direct the mode in which the matters requiring evidence shall be proved before him; and generally to do all other acts, and direct all other inquiries and proceedings in the matters before him, which he may deem necessary and proper to the justice and merits thereof and the rights of the parties.

Rule 80

Witnesses who live within the district may, upon due notice to the opposite party, be summoned to appear before the commissioner appointed to take testimony or before a master or examiner

appointed in any cause, by subpoena in the usual form which may be issued by the register in blank, and filled up by the party praying the same or by the commissioner, master or examiner requiring the attendance of the witnesses at the time and place specified, who shall be allowed for attendance the same compensation as for attendance in Court; and if any witness shall, after having been duly served with a subpoena and paid or tendered his legal fee, refuse to appear or to give evidence, it shall be deemed a contempt of the Court which being certified to the register's office by the commissioner, master or examiner, an attachment may issue thereupon by order of the Court, in the same manner as if the contempt was for not attending, or for refusing to give testimony in the Court. But nothing herein contained shall prevent the examination of witnesses viva voce when produced in open Court, if the Court shall, in its discretion, deem it advisable.

Rule 81.

All parties accounting before a master shall bring in their respective accounts in the form of debtor and creditor; and any of the other parties who shall not be satisfied with the accounts so brought in shall be at liberty to examine the accounting party viva voce, or upon interrogatories in the master's office, or by deposition, as the master shall direct-

Rule 82.

The master shall be at liberty examine any creditor or other person coming in to claim

before him, either upon written interrogatories or viva voce, or in both modes, as the nature of the case may appear to him to require. The evidence upon such examination shall be taken down by the master, or by some other person by his order and in his presence, if either party require it, in order that the same may be used by the Court if necessary.

Rule 83

The compensation to be allowed to every master in Chancery for his services in any particular case shall be fixed by the Court in its discretion, having regard to all the circumstances thereof, and the compensation shall be charged upon and borne by such of the parties in the cause as the Court shall direct. The master shall not retain his report as security for his compensation; but when the compensation is allowed by the Court, he shall be entitled to an attachment for the amount, against the party ordered to pay the same, if upon notice thereof, he does not pay it within the time prescribed by the Court.

Rule 84

When the master has prepared the draft of his report, he shall deliver copies thereof to such of the parties as apply for the same and shall assign a time and place for the parties to bring in objections, and for settling the draft of the report, and shall issue his summons for that purpose. On the return of the summons, or on such day as may be then assigned for that purpose, if objections are filed by either party he shall

proceed to hear the parties on such objections; and the master shall settle and sign his report, and cause it to be filed in the registers office within ten days after the argument on such objections is closed, and in cases where no objections are filed with ten days after the time assigned for bringing in objections. But this rule shall not apply in cases where the master proceeds Ex parte, or where the matters in reference before the master are not litigated, or to masters Reports upon exceptions to pleadings or other matters on proceedings

Rule 85

When the report is filed, in vacation, either party may have an order of course to confirm the same unless cause to the contrary is shown in eight days; and if no exceptions are filed within that time, the order shall become absolute, without notice or further order, or either party may file exceptions and have an order of course to confirm the report so far as the same is not excepted to, and with the like effect.

Rule 86

When the report is filed in term time, the Court may regulate the time for filing exceptions, and for confirming the report in its discretion. But no exceptions to the report shall be entertained by the court unless based upon objections filed with the master

Rule 87

In order to prevent exceptions to reports from being filed for frivolous causes, or for mere

delay, the party whose exceptions are overruled shall, for every exception overruled pay costs to the other party, and for every exception allowed be entitled to costs - the costs to be fixed in each case by a standing rule of the district-court.

Rule 88

Guardians ad litem to defend a suit may be appointed by the court for infants or other persons who are made guardianships or otherwise incapable to sue for themselves, All infants and other persons so incapable may sue by their general guardian if any or by their prochain ami; subject however to such orders as the court may direct for the protection of infants and other persons

Rule 89

No private agreement or consent between the parties or their counsel or solicitor in respect to the proceedings in a cause shall be binding, unless the same shall have been reduced to the form of an order by consent, and entered, or unless the evidence thereof shall be in writing, subscribed by the party against whom the same shall be alleged, or by his solicitor or counsel

Rule 90

A solicitor may be changed by consent or upon cause shown, and upon terms as shall be just, upon the application of the client, by the order of the court and not otherwise.

Rule 91

When a cause is heard, the plaintiff or the party moving the argument of the cause, shall proceed

the Court with a brief or abstract of the case together with the points intended to be made, and the authorities intended to be cited in support of them arranged under the respective points, and the opposing Counsel shall likewise furnish the court with the points to be made on his part and the authorities to be cited in support of them

Rule 92

Every receiver of the property and effects of a debtor shall unless restricted by the special order of the Court, have general power and authority to sue for and collect all the debts demands and rents belonging to such debtor, and to compromise and settle such as are unsafe and of a doubtful Character, He may also sue in the name of a debtor, where it is necessary or proper for him to do so; and he may apply for and obtain an order of course that the tenants of any real estate belonging to the debtor, or of which he is entitled to the rents and profits, attorn to such receiver and pay their rents to him, He shall also be permitted to make leases from time to time as may be necessary for terms not exceeding one year, and it shall be his duty without any unnecessary delay, to convert all the personal estate and effects into money, but he shall not sell any real estate without the special order of the court, until after final decree in the cause, Nor is not to be allowed for the costs of any suit brought by him against an insolvent from whom he is unable to collect his costs, unless such suit is brought by order of the court or by the consent of all the persons interested in the funds in his hands, But he may by

leave of the court, sell such doubtful debts and all other doubtful claims to personal property, at public auction giving at least ten days notice of the time and place of such sale

Rule 93. (Sale of Infants real estate)
An infant by his general guardian, if he has any and if there is none by his next friend may present a petition, stating the age and residence of the infant, the situation and value of his real and personal estate, the situation and value and income of the real estate proposed to be sold, and the particular reasons which render a sale of the premises necessary or proper; and praying that a guardian may be appointed to sell the same, The petition shall also state the name and residence of the person proposed as such guardian, the relationship, if any, which he bears to the infant, and the security proposed to be given; And the petition shall be accompanied by affidavits of disinterested persons, or other proofs, verifying the material facts and circumstances alleged in the petition. And if the infant is the age of fourteen, he shall join in the application

Rule 94
If it satisfactorily appears that there is reasonable ground for the application, an order may be entered appointing a guardian for the purpose of the application, on his executing and filing with the Register the requisite security, approved of, as to its form and manner of execution, by the district judge or register signified by his approbation indorsed thereon, and directing a reference to a Master to ascertain the truth of the facts stated in the petition and whether a sale of the premises, or any part

what part thereof would be beneficial to the infant, and the particular reasons therefor; and to ascertain the value of the property proposed to be sold, and of each ~~with~~ ~~of~~ ~~each~~ separate lot and parcel thereof, and the terms and conditions upon which it should be sold; and whether the infant is in absolute need of any and what part of the proceeds of the sale for his support and maintainance, over and above the income thereof, and his other property, together with what he might earn by his own exertions. And if there is any person entitled to dower in the premises who is willing to join in the sale, also to ascertain the value of her life estate in the premises on the principle of life annuities. But no proceedings shall be held upon such reference until the guardian produces the certificate of the register, that the requisite security has been duly proved or acknowledged and filed agreeable to the order of the Court; and which certificate shall contain the name of the officer by whom it was approved, and shall be annexed to the report.

The report shall contain in itself a statement of the particular reasons which, in the opinion of the master, render a sale of the premises necessary or proper, and of all the facts required to be ascertained and reported, and shall refer to the petition or affidavit for such statement.

Rule 95

The security required on a sale of real estate of an infant shall be a bond of the guardian with two sufficient sureties, in a penalty of double the value of the premises, including the interest on such value during the minority of the infant, each of which sureties shall

be worth the penalty of the bond, over and above all debts; or a similar bond of the guardian only, secured by a mortgage on unincumbered real estate within this territory, of the value of the penalty of such bond

Rule 96

If the proceeds of the sale exceed five hundred dollars, and the guardian has not given security by mortgage upon real estate, he shall bring the proceeds into Court or invest the same under the direction of the Court, for the use of the infant; and the guardian shall only be entitled to receive so much of the interest or income thereof, from time to time, as may be necessary for the support and maintenance of the infant, without the order of the Court. When several infants are interested in the same premises as tenants in common the application in behalf of all shall be joined in the same petition although they may have several general guardians; and there shall be but one reference to ascertain the fruitfulness of a sale as to all.

Rule 97.

No moneys arising from the sale of the real estate of an infant, in a mortgage sale, or under any decree, judgment or order of Court, shall be paid over to his general Guardian, except so much thereof or of the interest or income, from time to time, as may be necessary for his support or maintenance unless such guardian has previously given sufficient security, on unincumbered real estate to account to the infant for the same in the usual form. No order shall be made for the payment of any such moneys to any person claiming the same,

accept upon petition accompanied by a certified copy of the order, in pursuance of which the money was brought into Court, together with a statement of the deficiency of the money, showing the present state and amount of the funds, separating the principle and interest, and showing the account of each; and the court may take such proof of the truth of the matter stated in the petition as shall be deemed proper, or may refer the cause to a master, to take proof and report thereon.

Rule 98

Whenever a party, as a tenant for life or by courtesy or in dower is entitled to the annual interest or income of any sum paid into court and vested in permanent securities, such party shall be charged with the expense of investing such sum, and of receiving or paying over the income or interest thereof; but if such party is willing, and consents, to accept a gross sum in lieu of such annual interest or income for life, the sum shall be estimated according to the then value of an annuity of six per cent on the principle sum, during the probable life of such person according to the Portsmouth or Northampton tables.

Rule 99

The District Courts may make such further rules in regard to the transaction of business before them, respectively, not inconsistent with the foregoing rules, as they in their discretion may deem necessary.

These rules shall take effect on the first day of July 1872 Dated Santa Fe New Mexico

Rule 100

If any application for an order be made to any District Court or judge and such order be refused in whole or in part, or be granted conditionally for one term, no subsequent application, upon the same state of facts, shall be made to any other District Court or judge; and if upon such subsequent application, any order be made it shall be revoked

Appendix to Rule
Annuity Table

A table corresponding with the Northampton table referred to in the 98th rule showing the value of an annuity of one dollar, at six per cent, on a single life at any age for one year to ninety four inclusive

Rule for Computing the Value of The Life Estate On Annuity.

Calculate the interest at six percent for one year, upon the sum to the income of which the person is entitled. Multiply this interest by the number of years purchased opposite the persons age in the tables, and the product is the gross value of the life estate of such person in said sum

Example

Suppose a widow's age is 37. and she is entitled to down in real estate worth $3500.75. one third of this is $1166.91 2/3. Interest on $1166.91 one year at six percent (as fixed by rule) is $70.01. The number of years purchase which an annuity of $1. is worth at the age of 37. as appears from the table is 11

years and 25-100 parts of a year, which, multiplied by $7.01 the income for one year, gives $7.35 and a fraction as the gross value of her right of dower

Suppose a man whose age is 50 is tenant by the curtesy in the whole of an estate worth $9000. The annual interest on the same at six per cent is $540. The number of years purchase which an annuity of one dollar is worth at the age of 50 as per table is 9.417-1000 parts of a year which multiplied by $540. the value of one year gives $5.085.18 as the gross value of his life estate in the premises. or proceeds thereof.

Note- The values in the table are calculated on the supposition that the annuities are payable yearly; if payable half yearly, one fifth of a years purchase should be added to those values.

23rd Day Monday January 29. 1872

Court met pursuant to adjournment

Present as on ~~Saturday~~ Wednesday
except Hon. Hezeek S. Johnson.

Ordered that Court adjourn until
Saturday next at ten O' Clock. A.m.

J. G. Pelers
L. S. Johnson J.P.

24th day February 3. 1872, Saturday.

Court met pursuant to adjournment

Present as on Monday.

It is ordered that Ira M. Bond of the
County of Dona Ana and Platt R.
Skinner of the County of Colfax, be
and they are hereby Appointed, United
States Commissioners within and for
the Territory of New Mexico.

Andrew Stewart
vs
Lucien B. Maxwell

appellee
appellant.

The bond in error
of the said Lucien B. Maxwell, having
been approved and filed, it is ordered
that execution on this judgment rendered
herein by this Court be Stayed.

82.2

24th day Saturday February 3. 1872

Ordered that Court adjourn until ten O'Clock A. M. on Monday next.

J. W. Palen
D. B. Johnson

28th day Monday February 5. 1872

Court met pursuant to adjournment

Present as on Saturday.

Ordered that the following Allowances be made, to Officers for Attendance in this Court, viz:

Wm Breeden Clerk	25 days.	$125.00
Wm Breeden Translator	25 "	125.00
Wm Rosenthall; Deputy U. S. Marshal and acting U. S. Marshal	25 days.	$125.00
S. M. Ashenfelter U. S. Dist. Atty,	25 days.	
Charles M. Conklin Crier	25 days	50.00
Marshall A. Breeden Bailiff	25 days	50.00
Harry U. Whigham	" 25 "	50.00
Juan Felipe Sandoval	" 25 "	50.00
H. Wood Dodd	" 25 "	50.00

Ordered that, Charles M. Conklin be allowed 25 days Attendance as Sheriff, to be paid by the Territory $100.00

Ordered that Court adjourn Sine die.

J. W. Palen
D. B. Johnson

No 1 Terr. Monday January 6. 1873

Att a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe' in said Territory on the first Monday being the 6th day of January A.D. 1873,

Present:

Hon. Joseph G. Palen Chief Justice of the Supreme Court of the Territory of New Mexico.

Hon Warren Bristol Associate Justice of the Supreme Court of, said Territory,

Thomas B. Catron Esqr. United States District Attorney for said Territory.

John Pratt Esqr. United States Marshal for the District of New Mexico.

Wm Breeden Clerk of said Court,

The Marshal now appears his bailiff. to-wit:

Marshall Breeden.

Jose D. Sena

James H. Marshall

William Rencher

Juan J. Sandoval.

And they are duly Sworn as such.

William Breeden is now appointed Translator to the court and duly Sworn as such.

1st Day Monday January 6. 1873

54 B

The United States
vs
John S. Watts, Hamilton G. Faut, William Craig and William W. Mills
appellees
appellants.

Appeal from District Chief Justice Palen

The Appellants having filed one Copy of their Briefs in this Cause, are now upon application of their Attorney, the Counsel of the Appellees appearing and Consenting thereto, Granted leave to file the additional Copies of their Brief, on or before Wednesday morning next.

62

Andrea Martinez de Duran
Administratrix of the Estate
of Abran Duran deceased,
vs
Mariano Barela, appellant.
appellee

Appeal Socorro County 2nd District, Associate Justice Johnson

Now Comes the said appellee by her Attorney M. Eaton and moves the Court to strike this Cause upon the docket and dismiss the appeal herein and to affirm the judgment of the Court below in this Cause with ten per cent upon the amount thereof as damages, and now produces in Court and files a Transcript of the record of the Court below, and also the Certificate of the Clerk of this Court, showing that the said appellant has failed to file a Transcript of the record in this Cause.

And it appearing to the Satisfaction of the Court from said Certificate that no Transcript of the record in the above entitled Cause has been filed in this

1st Day Monday January 6. 1873

Court by the said appellant, and no one appearing in opposition to said motion or to prosecute said appeal the Court sustains said motion.

It is therefore Considered by the Court that the above entitled Cause be placed upon the docket and that the ~~appeal~~ ~~thereon be and the same is hereby dis-missed and~~ the Judgment of the Court below affirmed with damages at the rate of ten per Cent upon the Amount thereof and interest thereon from the date of the rendition thereof, in the Court below at the rate of Six per Cent per Annum.

It is therefore Considered by the Court that the said Appellee Andrea Martinez de Duran Administratrix of the Estate of Aban Duran deceased, recover of the said appellant Mariano Barela the Amount of said Judgment in the Court below, to-wit: the Sum of One Thousand Eight Hundred and Sixty Six Dollars and twenty four Cents, with damages thereon at the rate of ten per Cent, Amounting to the sum of One hundred and eighty Six Dollars and Sixty two Cents, and interest upon the Amount of said Judgment and damages from the twenty eighth day of May A. D. One Thousand eight hundred and seventy two, the date of the rendition thereof in the Court below, Amounting to the Sum of Seventy four Dollars and fifty eight Cents, and that the said appellee Andrea Martinez

1st Day Monday January 6. 1873

de Duran Administratrix of the estate of Abeu Duran deceased Recver of the Said Appellant Mariano Barela the amount of said Judgment, interest and damages, Amounting in all to the Sum of Two Thousand One hundred and twenty Seven Dollars and forty four Cents as also her costs in this behalf expended as well in the Court below as in this Court Taxed at dollars and Exc. Execution issue therefor.

And it appearing to the Satisfaction of the Court that Manuel Vigil and Baltazar Montano are Securities on the Appeal bond of the Said appellant herein, it is further Considered by the Court that the Said plaintiffs, appellee have Judgment against Said Securities for the Amount of Said Judgment, damages, interest and Costs and that the Said Appellee Andrea Martinez de Duran Administratrix of the Estate of Abeu Duran deceased Recover of the Said Appellant Mariano Barela and Manuel Vigil and Baltazar Montano his Securities the Amount of the Said Judgment, interest and Damages, Amounting to the Sum of Two Thousand One hundred and twenty Seven Dollars and forty four Cents as also her Costs in this behalf expended as well in the court below as in this Court taxed at dollars and that Execution issue therefor.

1st Day Monday January 6. 1873

Charles M. Conklin is now appointed Crier to the court and duly sworn as such.

Ordered that Court adjourn until eleven O' clock A. M. to-morrow.

J. G. Parker
Chairman Bd Co

2nd Day Tuesday January 7. 1873

Court met pursuant to adjournment.

Present as on Yesterday.

The record of yesterdays' proceedings was read and approved.

And now came R. H. Tompkins Esq and Thomas B. Catron Esq. Counsellors and Attorneys of this Court, and move the Court to direct the Clerk of this Court, to re-docket the Causes now pending on this Court Per hearing, and change the position of the parties in the different Cases so as to make the appellant, Stand on the docket as the plaintiffs in error, for reasons stated in said motion, And the Court after hearing Messrs Tompkins and Catron in Support of said motion, not being Sufficiently advised in the premises Now Postpones said motion.

54 B

Mary Bransford,
Caroline Bransford and
Edward Bransford Jr. by
Edward Bransford Sr.
their Guardian,
vs
William Cronk and
Cristobal Romero
appellants.

} Appeal Bernalillo County 2nd District Associate Justice Hezek. S. Johnson May 18. 1872

And now come the said appellees by their Attorney Mr. Tompkins, and move the Court to dismiss the Appeal herein and affirm the Judgment of the Court below in this Cause, with interest and damages

2nd Day Tuesday January 7, 1873

the rate of ten per cent upon the amount of said judgment, for the reason that no assignment of errors has been filed herein, as appears by the certificate of the Clerk of this Court filed with said motion, and no one appearing to oppose said motion the Court takes the same under advisement.

87

The United States
v.
3 appellees
George W. Haviland,
John Reed and William H. Moore appellants

Appeal 1st District
Chief Justice Palen

Upon application of the said appellants by their Attorney, the Consent of the said appellees Consenting thereto, Leave is granted the said appellants to file an assignment of errors herein, by to-morrow morning.

60

The Territory
vs
3 appellees
Frederick E. Smith
appellant

Appeal Grant County
3rd District
Asso. Justice Bristol.

Upon motion of the Attorney General, leave is granted the said appellant to file the briefs required by the rules of the Court, in this Cause to-morrow morning.

Samuel B. Wheelock
vs
John McGee, and
Michael McGee
appellants

Appeal Santa Fé County 1st District
C. J. Palen

And now comes Mr. John S. Watts, Attorney

2nd Day Tuesday January 7. 1873

For the said Appellants, and suggests here to the Court in writing the death of the said appellant Michael McGee, and moves the Court for an order allowing the prosecution of the Appeal herein by the Survivor, which motion is sustained by the Court. It is therefore ordered by the Court that the Appeal herein be prosecuted and carried on by and in the name of the said Appellant John McGee as survivor of the said Michael McGee deceased.

The heirs of Juan B. Vigie deceased, Antonia Jose Rivera and Jose Miguel Yorck,
vs
The United States

Whereas, the Supreme Court of the United States has sent to this Court a mandate, reciting that the decree rendered in this cause in this Court on the 21st day of January A. D. 1867, in favor of the said complainants, has been reversed by the judgment and decree of the said Supreme Court, and directing that this Court enter a decree in this cause, dismissing the petition of the said complainants;
It is therefore ordered, adjudged and decreed that the petition of the said complainants, the heirs of Juan B. Vigie, deceased, Antonia Jose Rivera

2nd Day Tuesday January 7, 1873

And Jose Miguel Bonet, herein, &c
and is hereby dismissed.

Ordered that Court adjourn until
ten O'Clock A.m. to-morrow.

J. G. Kaler
Clerk

2nd Day Wednesday January 8: 1873

Court met pursuant to adjournment

Present as on yesterday and also,
Hon. Hezekiah S. Johnson,
Associate Justice of the Supreme
Court of the Territory of New
Mexico.

The record of yesterdays proceedings
was read and approved.

59 Cr

The Territory
vs
Placido Abeita
} Appeal Bernalillo
County, 2nd District
Associate Justice
Hezek. S. Johnson.

This Cause now came
on to be heard and was now argued
by Mr. John S. Watts for the appellant
and by Mr. D. F. Conway Attorney
General of the Territory of New Mexico
for the Appellee, and the argument
of this Cause being now concluded
and the Cause submitted to the court
for its decision and the Court not
being sufficiently advised in the
premises takes the Same under ad-
visement.

54 Cr

Mary Brauford, Caroline
Brauford and Edward Brauford Jr.
by Edward Brauford Sr.
their Guardian, Appellees
vs
Williams Kent and
Cristobal Romero, Appellant
} Appeal Bernalillo
County 2nd District
Associate Justice
Hezek. S. Johnson.

The motion of the Said

3rd Day Wednesday January 8. 1873

Appellees by their Counsel to dismiss the appeal herein and affirm the judgment of the Court below with ten per Cent damages on the amount thereof for the reason that the said Appellants have failed to file an Assignment of errors in this Cause, having been submitted to the Court on a former day of this term and the Court having then taken the Same under Advisement and being now sufficiently Advised in the premises, now announces its decision by Chief Justice Paleu, Sustaining said motion Unless the said Appellants Shall file an Assignment of errors herein on or before Wednesday next.
It is therefore Ordered, that, Unless the said Appellants Shall file herein, an Assignment of errors, on or before Wednesday next, Judgment be entered in this Cause in Accordance with said motion.

It being now Suggested by Associate Justice Johnson that this is the eighth day of January, the Anniversary of the Battle of New Orleans, it is Therefore Ordered, that in Consideration thereof, Court Adjourn until ten O'Clock A. M. to-morrow.

J. G. Paleu
Chief. J. Johnson,
Warren Bruiton

4th Day Thursday January 9. 1873

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

53 The Territory ... appellant
vs
Antonio Valdez appellee
{ Appeal Rio Arriba County 1st District Chief Justice Palen

This Cause now came on to be heard and was now argued By Thomas D. Conway Esqr. Attorney General of the Territory of New Mexico, for the Appellant, no one appearing for the Appellee, and the Argument being Concluded, this Cause is now Submitted to the Court for its decision, and the Court not being Sufficiently Advised in the premises takes the Same under Advisement.

80 Louis Davis and
Prudencio Benavidez
plfs in error.
vs
Charles Blumner
deft in error
{ Error from Dona Ana County 3rd District Asso. Jus. Johnson

Now Comes Mr. Wheelock an Attorney of this Court and moves the Court to Strike this Cause from the Docket, for reasons Stated in Said motion, and upon application of the plaintiffs in error Said motion is postponed until to-morrow morning.

4th Day Thursday January 9. 1873

1
52

The Territory on the relation of the Attorney General } Appeal Santa Fe County 1st District.
vs appellee
Felipe Delgado Probate Judge of Santa Fé County and Robert N. Price, appellants } G. J. Palen

This Cause is now set down for argument to-morrow morning.

61

The Territory } Appeal Grant County 3rd District
vs appellant
James Copely appellee } Associate Justice Pristol

This Cause is now Submitted to the Court for its decision without argument, upon the written brief of Thomas D. Conway Esq. Attorney General of the Territory of New Mexico, for the Appellant, no one appearing for the Appellee, Whereupon the Court takes the Same under Advisement.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. G. Palen
Assoc. J. Johnson,
Assoc. Justice

5th Day Friday January 10: 1873

Court met pursuant to adjournment.

Present as on Yesterday.

The record of yesterdays proceedings was read and approved.

150 Louis Bario and Prudencio Benavidez Plfs in Error vs Charles Blummer } Error from Dona Ana County 3rd District Associate Justice Houghton

The motion of S. B. Wheelock Esq. an Attorney of this court to Strike this Cause from the docket now came on to be heard and was now argued by Mr. Wheelock in favor of said motion and by Mr. Catron for the Plaintiffs in error in opposition thereto, and the argument being now concluded and the Court being Sufficiently advised in the premises Overrules said motion.

It is therefore Considered by the Court that said motion be and is hereby Overruled.

56B. Abiel Spiegelberg, Henri Spiegelberg and Lehman Spiegelberg Appellees vs Alexander P. Sullivan Appellant } Appeal from Santa Fe County 1st District C. J. Palen.

This Cause now came on to be heard and was now argued by Mr. John D. Watts for the Appellant and by Mr. Catron for the Appellees and the argument being now

51st Day Friday January 10, 1873

Concluded and the Cause Being Submitted to the Court for its Decision And the Court not being sufficiently Advised in the premises takes the Same under Advisement.

Ordered that Court adjourn until Ten O'Clock A. M. to-morrow.

J. G. Baker
Hezek. S. Johnson
Wm Brock

6th Day Saturday January 11. 1873

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

52 The Territory on the relation of the Attorney General. Appellee
vs
Felipe Delgado Probate Judge of Santa Fé County and Robert M. Price, appellants } Appeal Santa Fé County 1st District Chief Justice Palen

This Cause now came on to be heard and was now Argued by Mr. Catron for the appellants and by Mr. Conroy Attorney General of the Territory for the appellee And the Argument being Concluded this Cause is now Submitted to the Court for its decision and the Court not being Sufficiently advised in the premises takes the Same under Advisement.

51 Samuel B. Wheelock Appellee
vs
John McGee Survivor &c. appellant } Appeal Santa Fé County 1st District Chief Justice Palen

This Cause is now set down for Argument on Monday next.

52 Gaspar Ortiz appellee
vs
Joseph Hirsch, appellant } Appeal Santa Fé County 1st District Chief Justice Palen

This Cause is set down for Argument on Monday next.

6th Day Saturday January 11th 1873

S 7th The United States
vs
George W. Moreland, John Reed and William H. Moore
appellees
appeal 1st District
Chief Justice Paden
appellants.

This cause is set down for argument on Tuesday next.

S 8th The United States
vs
John D. Watts, Hamilton G. Fauk, William Craig and William W. Mills, Appellants
appellees
appeal 1st District
Chief Justice Paden

This cause is set down for argument on Tuesday next.

6th The Territory
vs
Frederick E. Smith,
appellee
appellant
appeal Grant County
3rd District
Associate Justice Pristol

This cause is now set down for argument on Wednesday next.

Ordered that Court adjourn until Monday next at ten O'clock a.m.

J. G. Paden
Hezekh. S. Johnson
Wm. Pristol

7th Day Monday January 13. 1873

Court met pursuant to adjournment.

Present as on Saturday

The record of Saturday's proceedings was read and approved.

59 The People ... Appellee
vs
Placido Abeita Appellant

Appeal Bernalillo County
2nd District
Associate Justice Johnson

This Cause having been argued by Counsel and Submitted to the Court at a former day of this term and the Court having then taken the Same under Advisement and being now Sufficiently advised in the premises now announces its decision by Associate Justice Bristol Affirming the judgement of the Court below.

It is therefore Considered by the Court that the judgment of the Court below in this Cause, be and the Same is hereby Affirmed, and that this Cause be remitted to the Court below which tried the Same, with directions to execute its judgment herein, and that the said Appellant Placido Abeita pay the Costs herein, in this Court taxed at Seven 40/100 dollars.

Opinion in writing filed by Associate Justice Bristol and Ordered to be recorded.

7th Day Monday January 13. 1873

82 The Territory on the relation of the Attorney General appellee
vs
Felipe Delgado, Probate Judge of Santa Fé County and Robert N. Price, appellant
} Appeal Santa Fé County 1st District
G. J. Palen

This Cause having been argued by Counsel and submitted to the Court at a former day of this term and the Court having thin taken the Same under advisement and being now Sufficiently advised in the premises now announces its decision by Associate Justice Johnson, Affirming the judgment of the Court below.
It is therefore Considered by the Court that the judgment of the Court below, in this Cause be and the Same is hereby affirmed. And that the said appellants pay the Costs herein, taxed at dollars.
Associate Justice Johnson has leave to file an opinion in writing herein in vacation.

81 Samuel B. Wheelock appellee
vs
John McGee, Survivor &c appellant
} Appeal Santa Fé County 1st District
G. J. Palen

This Cause now came on to be heard and was now Argued by Mr. John D. Watts for the appellant and by Mr. Catron for the appellee and the Argument being now Concluded and the Cause being now Submitted to the Court for its decision and the

9th Day Monday January 13. 1873

Court not Beng Sufficiently advised
in the premises takes the same under
advisement.

Andrew Stewart Appellant
vs
Lucien B. Maxwell et als Appellee

Appeal Santa Fé County 1st District. Judgt. rendered at last term of this Court.

This Cause having Been decided at the last term of this Court and Associate Justice Kezek. S. Johnson having taken leave to file a written opinion in vacation, and having failed to do so for reasons stated by him, upon his application leave is granted to said Associate Justice Johnson to file an opinion in writing herein in the ensuing vacation of this Court.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. G. Palen
Kezek. S. Johnson
Warren Bristol

8th Day Tuesday January 14. 1873.

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and Approved.

Louis Bayo and Prudencio Benavides Plffs. in error vs Charles Blumyer Defft. in error } Error from Dona Ana County 3rd Dist. Asso. Jno. Houghton

80

Now Came on to be heard the motion of the said plaintiffs in error by their Attorney, for leave to perfect the record herein by substituting the complete record filed herein on the 6th day of January instead of the imperfect record filed herein before the commencement of the present term of this Court, and the same being Argued by Mr. Catron for the plaintiffs in Error and by Mr. Wheelock for the defendant in error and being now submitted to the Court and the Court not being sufficiently informed in the premises to the said motion under Advisement.

Gaspar Ortiz Appellee vs Joseph Hersch Appellant } Appeal Santa Fé County 1st District C. J. Palen.

88

And now comes the said Appellee by his Attorney Mr. Catron and suggests to the Court a diminution of the record herein, and move

8th Day Tuesday January 14. 1873

the Court to remit this cause to the Court below which tried the same, with directions to the Clerk to perfect the record as specified in said motion, and to send up to this Court forthwith a full and perfect transcript of all the papers and proceedings in this Cause, which motion is sustained by the Court. It is therefore considered by the court that this cause be remitted to the Court below which tried the same with directions to the Clerk of said Court to forthwith send up to this Court a full and perfect transcript of the record of the proceedings ~~and papers~~ in this cause.

Mary Branford,
Caroline Branford and
Edward Branford Jr. by
Edward Branford Sr.
their Guardian appellees

vs

William Grant and
Cristobal Romero appellants

Appeal Penalties
County 2nd District
Associate Justice
Johnson.

84

And now comes M. Lemon
an Attorney of this Court and suggests to the
Court here a diminution of the record herein,
in this that the return of the Sheriff upon
the writ of Summons in this cause, is in
the Spanish language and the record con-
tains no translation of said return, and
now moves the Court to remit this cause to
the Clerk below with directions to the Clerk
of said Court to perfect the record herein
and to send up to this Court a full
and perfect transcript of all the

8th Day Tuesday January 14, 1873

Record of proceedings and papers in this cause, with translations of all papers and proceedings, not in the english language.

And the same being argued by Counsel and the Court now being sufficiently advised in the premises over-rules said motion.

It is therefore considered by the Court that said motion be and is hereby over-ruled.

87

The United States Appellees
vs
George W. Howland, John Dodd and William H. Moore, Appellants

Appeal Dist District
Chief Justice Salem

This cause now came on to be heard and was now argued by Mr. John D. Watts for the Appellants and by Mr. Catron for the Appellees and this cause being now submitted to the Court for its decision and the Court now being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten O'Clock A. M. to morrow.

J. G. Salem
"Geo. S. Johnson"
Clerk

9th Day Wednesday January 15. 1873

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterdays' proceedings was read and Approved.

Gaspar Ortiz } Appeal Santa Fé County
vs Appellee } 1st District.
Joseph Bersch Appellant } Chief Justice Palen

By the Agreement and Stipulation of said parties by their Attorneys, Mr. Tompkins for the Appellant and Mr. Catron for the Appellee, it is considered by the Court that this cause stand continued, and that the Court below have until the first day of the next term of this Court to complete the Transcript and send up the complete record in this Cause.

51 Samuel B. Wheelock Appellee } Appeal Santa Fé County 1st District
vs } Chief Justice Palen
John Mc Gee Survivor of Michael Mc Gee deceased Appellant

This Cause having been argued by Counsel and Submitted to the Court at a former day of this term, and the Court having taken the Same under Advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice Johnson, Affirming the Judgment of the Court below. It is therefore considered by the Court that the judgment of the Court below

9th Day Wednesday January 15, 1873

It is Ord's cause be and the same is hereby affirmed, with interest thereon from the rendition thereof on the 9th day of March A. D. One Thousand eight hundred and seventy two at the rate of Six Per cent per annum,

And that the said appellee Samuel B. Wheelock recover of the said appellants John McGee Survivor of Michael McGee deceased, the Amount of said judgment and interest, Amounting to the Sum of Four Thousand Eight hundred and Ninety two Dollars and eighty five Cents as also his costs in this behalf expended, as well in the Court below as in this Court, taxed Dollars and that execution issue therefor,

Associate Justice Johnson has leave to file an opinion in writing herein in vacation.

No 25

Uriel Spiegelberg,
Levi Spiegelberg and
Lehman Spiegelberg
Appellees
vs
Alexander P. Sullivan
Appellant

(Appeal from 9th County 1st District Chief Justice Paler)

This cause having been argued by Counsel and submitted to the court at a former day of this term and the court having then taken the same under advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice Johnson, Affirming the judgment of the Court below,

9th Day Wednesday January 15. 1873

It is therefore Considered by the court that the judgment of the Court below in this Cause be and is hereby affirmed, and that this Cause be remitted to the District Court for the first Judicial District of the Territory of New Mexico, with directions to execute the judgment of the Court below herein. Associate Justice Johnson has leave to file written opinion in vacation.

The Territory } Appeal Grant County
vs appellant } 3rd District
Frederick E. Smith } Associate Justice Bristol
appellee }

This Cause now Came on to be heard and was now argued by Mr. Conway Attorney General of the Territory of New Mexico, for the appellant, no one appearing for the appellee and the argument being concluded and the Court not being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten O' Clock A. M. to morrow.

J. G. Palen
Hezekiah S. Johnson,
D. Gunson Bristol

10th Day Thursday January 16. 1873

Court met pursuant to adjournment.

Present as on Yesterday

The record of yesterdays proceedings was read and approved.

53

The Territory appellant
vs
Antonio Valdez appellee
} Appeal Rio Arriba County 1st District Chief Justice Palen

This Cause having been argued by Counsel and submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice Bristol affirming the judgment of the Court below.

It is therefore Considered by the Court that the judgment of the court below, in this Cause be and is hereby affirmed, and that the said Appellee pay the Costs herein.

Opinion in writing filed and ordered to be recorded.

60

The Territory appellant
vs
Frederick E. Smith appellee
} Appeal Grant County 3rd District Associate Justice Bristol.

This Cause having been Argued and Submitted to the Court at a former day of this term and the court having then taken the same under advisement and being now sufficiently

10th Day Thursday January 16. 1873

advised in the premises now announces its decision by Chief Justice Palen dismissing the appeal herein.

It is therefore considered by the Court that the appeal herein be and is hereby dismissed, and that the said Appellants pay the Costs herein.

Leonis Baca et al
Prudencio Benavidez
Plaintiffs in error
vs
Charles Blummer
defendant in error

Error from Dona Ana County 3rd District
Associate Justice Houghton

The motion of the said plaintiffs in error, for leave to perfect the record herein by substituting the complete record filed herein January 6th for the incomplete record filed prior to the commencement of the present term of this Court, having been argued by Counsel and submitted to the Court at a former day of this term, and the Court having then taken the same under advisement and being now sufficiently advised in the premises Sustains said motion.

It is therefore considered by the Court that the said plaintiffs in error have leave to perfect the record herein as specified in said motion.

Whereupon this Cause is submitted to the Court for its decision, without argument and the Court not being sufficiently advised in the premises now takes the same under advisement.

10th Day Thursday January 16. 1873

518 The United States
vs Appellees
John D. Watts, Hamilton
G. Fant, William Craig and
William D. Mills
Appellants

Appeal 1st District
Chief Justice Paleu

The Argument of this Cause
is now set down for to-morrow morning.

Carohie Brauford,
Mary Brauford and
Edward Brauford Jr. and
Edward Brauford Sr.
Their Guardian, Appellees
vs
William Cronk and
Cristobal Romero Appellant

Appeal Bernalillo
County 2nd District
Associate Justice
Johnson.

This Cause is now set down
for argument to-morrow morning,

Ordered that Court adjourn until
ten O'Clock A. M. to-morrow.

J. G. Palen
Hezekh. S. Johnson
Warren Bristol

11th Day Friday January 17. 1873

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

50 Louis Bario and Prudencio Benavidez Plaintiffs in error
vs
Charles Skinner Defendant in error
} Error from Dona Ana County 3rd District Associate Justice Houghton.

This cause having been submitted to the court at a former day of this term and the court having then taken the same under advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice Bristol reversing the judgment of the court below.

It is therefore considered by the Court that the judgment of the Court below in this cause be and the same is reversed, and that this cause be remitted to the District Court for the County of Dona Ana from whence it came into this Court, for trial.

Opinion in writing filed and ordered to be recorded.

57 The United States appellees
vs
George W. Moreland, John Dold and William H. Moore appellants
} Appeal 1st District Chief Justice Palen

This cause having been Argued by counsel and submitted to the

11th Day Monday January 17. 1873

Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises now announces its decision by Associate Justice Bristol affirming the judgment of the Court below; it is therefore Considered by the Court that the judgment of the Court below in this Cause, be and is hereby affirmed with interest thereon from the date of the rendition thereof on the twenty third day of July A. D. One thousand eight hundred and seventy two at the rate of Six per cent per Annum Amounting to the sum of twenty one and 18/100 dollars; And that the said Appellees, the United States of America use of the said Appellees George W. Haviland, John Dodd and William H. Moore the amount of said judgment and interest, being the sum of Seven hundred and fifty one and 68/100 dollars, as also their Costs in this behalf expended taxed at dollars and that execution issue therefor,

61

The Penitary
vs
James Copeley

Appeal from Grand County
3rd District Associate
Justice Bristol,

This Cause having been argued by Counsel and Submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now Sufficiently advised in the premises now

11th Day Friday January 17, 1873

Announces its decision by Chief Justice Waite reversing the judgment of the Court below.

It is therefore Considered by the Court that the judgment rendered in this Cause in the Court below be and is hereby reversed and that this Cause be remitted to the District Court for the County of Grant from whence it came into this Court, for such proceedings as the law may require.

It is further considered by the Court that the said Appellant the Territory of New Mexico recover of the said Appellee James Copely the Costs of this prosecution as well in this Court as in the Court below, taxed at Fourteen 45/100 Dollars

Upon the request of William Breeden Clerk of this Court, Marshall Breeden of the town and County of Santa Fé in the Territory of New Mexico, is hereby appointed Deputy Clerk of this Court, and the said request in writing is ordered to be filed.

58 The United States } Appeal from District
vs } Chief Justice Waite
John S. Watts, Hamilton }
Y Faux, William Craig and }
William W. Mills }

This Cause now came on to be heard and was now argued by Mr. Wheelock Assistant United States Attorney for the Appellee and by Mr. Catron for the Appellants and the argument of this Cause being now Concluded and this Cause being now Submitted to the Court for its decision

11th Day Friday January 19. 1872

And the Court not being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten O'Clock A. M. to-morrow.

J. G. Pelan
Herpk. S. Johnson
Warren Bristol

12th Day Saturday January 18. 1873

Court met pursuant to adjournment

Present as on Yesterday

The record of yesterdays proceedings was read and approved:

It is ordered that William Brady of the County of Dona Ana, Territory of New Mexico be and is hereby appointed United States Commissioner within and for said County of Dona Ana.

Mary Bransford
Caroline Bransford and
Edward Bransford Jr. by
Edward Bransford Sr.
their guardian, appellees
vs
Williams Grant and
Cristobal Romero
appellants

Appeal Bernalillo County
2nd District
Associate Justice Johnson

Now comes Mr. Conway Attorney for the said Appellants and Suggests to the Court here a diminution of the record in this cause, as follows, that the said record does not contain the judgment of the Court below given in sustaining the demurrer of the said Appellees plaintiffs in the Court below to the second plea, of the said appellants defendants in the Court below, filed in this cause in the Court below, and prays the Court for the allowance of a certiorari for a true Transcript of the record of the Court below, and the same being argued by Counsel and the Court being sufficiently

12th Day Saturday January 18. 1873

advised in the premises doth adjudge said motion
It is therefore considered by the Court that this Cause be remitted to the District Court for the County of Bernalillo from whence it came into this Court, with directions to the Clerk of said Court to perfect the record herein by inserting in the Transcript sent to this Court the said judgment if the same shall appear of record in said Court or when the same shall be given and entered in said Court. And to send up to this Court, ten days before the first day of the next term thereof a true and perfect Transcript of the record of the Court below in said Cause.

In the matter of the
petition of Kirby Benedict

And now comes M. Conway Attorney for the said Kirby Benedict and now presents the petition of the said petitioner, dated the 18th day of January A. D. 1873, praying to be relieved from the operation of the order of this Court suspending him from practice in this Court and the District Courts of this Territory, and moves the Court to set aside the order suspending the said Kirby Benedict from practicing as an Attorney before this Court and the District Courts of this Territory and restore him to his former standing as an Attorney of said Courts, And said Attorney declining to argue or support said motion, the

12th Day Saturday January 18. 1873

Same is submitted to the Court without argument, Whereupon the Court takes the same under advisement,

Ordered that Court adjourn until Monday next at Seven O'Clock A.M.

J. G. Parker
Hezekiah S. Bartlett
Wm Barker

12th Day Monday January 20. 1873

Court met pursuant to adjournment.

Present as on Saturday

The record of Saturdays proceedings was read and approved.

The United States Appellees } Appeal Pl. District
Vs } Chief Justice Pabs
John S. Watts, Hamilton G. Grant, William Craig and William W. Mills Appellants }

This Cause having been Argued by Counsel and Submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises now announces its opinion and judgment by Associate Justice Olin affirming the judgment of the Court below.

It is therefore considered by the Court that the judgment rendered in this Cause in the Court below be and is hereby affirmed with interest thereon from the date of the rendition thereof on the twenty sixth day of July A. D. One thousand eight hundred and seventy two, Amounting to the sum of, One thousand One hundred and Nineteen and 20/100 Dollars, And that the said Appellees the United States of America recover of the said defendants John S. Watts, Hamilton G. Grant, William Craig and William W. Mills the

12th Day Monday January 20. 1913

Sum of Thirty Eight Thousand five hundred and Ninety three Dollars and Thirty five Cents, the amount of the judgment in this Cause in the Court below and Also the Sum of One Thousand One hundred and Nineteen Dollars and Twenty Cents, the interest aforesaid Amounting in all to the Sum of Thirty Nine Thousand Seven hundred and twelve Dollars and fifty five Cents. as also their Costs in this behalf expended as well in the Court below as in this Court, taxed Dollars and that execution issue therefor.

In the matter of the
petition of Kirby Benedict.

The motion of Thomas F. Conway Esqr, Attorney for said petitioner, to set aside the order Suspending the said Kirby Benedict from practicing as an attorney before this Court and the District Courts of this Territory and restore him to his former standing as an attorney of said Courts, having been submitted to the Court at a former day of this term and the Court having then taken the same under advisement and being now sufficiently advised in the premises, now announces its decision, overruling and denying said motion.

It is therefore Considered by the Court that said motion be and is hereby overruled.

Opinion in writing to be filed in vacation.

13th Day Monday January 20. 1873

The resignation of William Breeden, Clerk of this Court dated August 9th 1872 being presented and considered by the Court, the Court accepts said resignation.

It is therefore considered by the court that said resignation be accepted to take effect at the close of the present term of this Court.

It is Ordered that the rules of practice for the District Courts in Equity cases be amended as follows, to wit:

That rule ten be amended by striking out the words, "in twenty days from the time of". And inserting in lieu thereof the words "On the first day of the term next ensuing".

That rule fifteen be amended by striking out the words "the day on which the subpoena is made returnable, provided he has been served with process ten days before that day;" and inserting the words "the first day of the term of the District Court for the County in which suit is brought, provided he has been served with process at least five days before that day".

That rule Sixty three be amended by striking out all after the word "cause" in the last line but one. And inserting, "At a time and place designated therein, which time shall be within thirty days after the date of such ord

13th Day Monday January 20, 1873

Such order shall also be served upon the opposite party within such time before the day named to show cause, as shall be designated therein by the Judge granting the same".

Ordered that Court adjourn until ten O'Clock a.m. to-morrow.

J. G. Parker

14th Day Tuesday January 21, 1873

Court met pursuant to adjournment.

Present as on Yesterday, except Hon Hazek. S. Johnson Associate Justice and Hon. Warren Bristol Associate Justice.

It is ordered that the following allowances be made to officers of the court, towit:

Thomas B. Leathers	U. S. Attorney	14 days	$70.00
John Pratt	U. S. Marshal	14 days	70.00
Jno Breeden	Clerk	14 days	70.00
Jno Breeden	Translator	14 "	70.00
Jose D. Sena	Bailiff	14. "	28.00
Marshall Breeden	"	14 "	28.00
James F. Meshell	"	14 "	28.00
Jno Rosenthal	"	14 "	28.00
Jesus F. Candelaria	"	14 "	28.00
Charles M. Conklin	Crier	14,	28.00

Ordered that Charles M. Conklin be allowed 14 days attendance as Crier,

14th Day Tuesday January 21. 1873

to be paid by the Territory $56.00

Andrea Martinez de Duran, Administratrix of the estate of Abem Duran deceased Appellee
vs
Mariano Barela Appellant

Appeal from Doona County 2nd District.

It appearing to the satisfaction of the court from an affidavit filed, that the said defendant Mariano Barela, against whom judgment was rendered herein at a former day of this term is the sheriff of the County of Dona Ana, Upon motion of the said appellee by her attorney It is ordered that Edson J. Orr of Dona Ana County be appointed and authorized to serve the execution in this cause.

Ordered that Court adjourn Sine die.

J. G. Palen

In Vacation July 31st 1873.

Associate Justice Bristol having concurred in writing with Justices Johnson and Palen in the appointment of Rufus J. Palen as Clerk of this Court, It is therefore ordered that Rufus J. Palen of Santa Fé be, and he is hereby appointed Clerk of the Supreme Court of the Territory of New Mexico, in the place of William Breeden resigned.

I Rufus J. Palen of the County of Santa Fe having been appointed Clerk of the Supreme Court of the Territory of New Mexico do solemnly swear that to the best of my knowledge and ability, I will support the Constitution of the United States, against all enemies foreign or domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and I do further solemnly swear, that I will well and faithfully discharge all the duties of my said office, to the best of my ability and understanding, So help me God.

(signed) Rufus J. Palen

Subscribed and sworn to before me this 31st day of July a.d. 1873

signed J. G. Palen. C. J.

The undersigned a majority of the Judges of the Supreme Court of the Territory of New Mexico being at Santa Fe the seat of Government of said Territory do hereby fix and appoint the times and places for holding the terms of the United States District Courts in and for the Third Judicial District of said Territory as follows: To commence on the last Mondays of May and October in each year, and to continue for the period of three weeks and one day. Each said term to be held at La Mesilla in the County of Doña Ana in said District.

352

In Vacation July 3rd 1893.

Santa Fe N.M.
July 28th 1893

(signed) D. L. Dalen C.J.
James Bristol

First day Monday January 5th 1874

At a Regular term of the Supreme Court of the Territory of New Mexico begun and held in Santa Fé in said Territory on the first Monday being the 5th day of January A.D. 1874

Present

Hon. Joseph G. Palen Chief Justice of said Court.

Hon. Elisha V. Johnson Associate Justice of said Court.

Hon. Warren Bristol Associate Justice of said Court.

James B. Shaw Esq. United States District Attorney for said Territory.

John Watts Esq. United States Marshal for the District of New Mexico.

Rufus J. Palen Clerk of said Court.

Charles M. Conklin Sheriff Santa Fé County.

Rufus J. Palen produced, sworn and duly commissioned as the Clerk of said Court.

Charles M. Conklin sworn and commissioned as Sheriff of the County and duly entered upon the discharge of his duties as such.

The Marshal presents his bill of costs in this Court.

Ordered. That James J. Mansfield Esq. and Ashley Pennington Esq. be and they are duly sworn as such.

55 Caspar Ortiz appellee } Appeal from
vs } Judicial District
Francisco Trujillo appellant } Santa Fé County.

Now comes the said appellant by A.A. Sandoval his Attorney and says to the Court here that he will not further prosecute his appeal herein, but dismiss the same.

1st day Monday January 5th 1874

It is therefore Considered that the Appeal in this Cause be, and the same is hereby Dismissed, and that the said Caspar Otis Appellee recover of the said Joseph Koch Appellant and Abraham Staub and Charles Reeves his Securities, his Costs in this behalf expended. It is also Considered that the said Appellant pay to the said Appellee the sum of Seven hundred dollars. And that Execution issue therefor.

63 The United States of America Appellants } Appeal from Judicial District.
vs
Samuel Yancey, Appellee

C. J. Caldwell

Upon application of the said Appellants by their District Attorney. The Counsel of the said Appellee, Consenting thereto. The time for filing the assignments of Errors, is required by the rules of this Court. It is Ordered that Monday next, be and the same is hereby extended to said Appellee to file joinder in Error. Ten days thereafter.

64 The United States of America Deft's Plaintiff in Error. } Error to Judicial District
vs
Austin Kuslowski Deft in Error } C. J. Caldwell

Upon application of the said Plaintiffs in Error, by their District Attorney. The Counsel of the said Defendant in Error, Consenting thereto, the time for filing

Wed day Monday January 5th 1874

Upon hearing the assignment of Errors, and Briefs (filed
by the rules of this Court, it is Ordered that Monday
next, and the fifth session thereof be assigned
for said defendant in Error to file joinder
in Error.

Henry Bramford, (as Adm
Bramford, and Edward Bramford,
by Edward Bramford Jr. their
Guardian, (a) Plaintiffs
60 } Appeal from Second Judicial District Lincoln County
William Cronk and
Cristobal Romero (a) Pellees

On application of
the said appellants by R.N. Humphreys their
Attorney, (Counsel for appellees consenting thereto)
leave is granted said appellants to file assignment
of Errors and their Brief by Monday next.
The United States of America
appellants } Appeal from First Judicial District
58 } C. J. Allen
Antonio Joseph, (a) Pellee

Upon application
of the said appellants by their Dis-
trict Attorney, the Counsel for said appellee
consenting thereto. The time for filing the assign-
ment of Errs and brief regulated by the
rules of this Court, is extended till Monday
next, and a like extension is hereby granted
after granted said appellee to file joinder
in Error.
The United States of America
Plff's in Error } Error to District Court
59 } C. J. Allen
vs.
Juan Lombistean

Upon application
of the said plaintiffs in error by their Dis-
trict Attorney, the Counsel for said

71

21st day Monday January 5th 1874

dant in Error Consenting thereto, the time for filing the assignment of Errors and Brief required by the rules of this Court is Extended till Monday next, and the like Extension to any Succeeding Term to said Defendant in Error to file Defendant in Error. } Error to Second Judicial District
Antonio M. Armijo, Deft in Error } A. J. Johnson
vs } Defendant in Error
Isaac Baca and 3 Defts in Error
James Str'g

On motion of Mr. Catron Attorney for Plaintiff in Error the Defendants in Error Consenting thereto by their Counsel the time to file assignment of Errors and Brief is Extended till Monday next, with leave to said Defendants in Error to file their Brief thereafter.

On motion of Thomas B. Catron Esq: an Attorney of this Court & Sumner E. Wood Esq. a member of the bar of the First Judicial District Court of New Mexico is admitted to practice as an Attorney and Counsellor of this Court,

Mr. Catron informs the Court of the death since the last term hereof, of the Hon. Theodore D. Wheaton late an Attorney and Counsellor of this Court, and moves the appointment of a committee of three members of the bar to draft suitable resolutions, to be spread upon the records, Expressive of the regret of the Court and Bar, at this sad event, and of their sympathy with the family and friends of the deceased, Whereupon the Court appoints Messrs. Catron, Thornton and Warren as such Committee and Orders that the Court adjourn out of respect to the memory of the deceased,

First day Monday January 6th 1874.

Adjourned till 10 o'clock A.M. to-morrow.

J. H. Baker
Regr. of Probate
Geo. Bartlett

Second day Tuesday January 7th 1874

Court met pursuant to adjournment.

Present as on Yesterday.

The record of Yesterday's proceedings is read and approved.

On motion of Hiram Bredin Esq. on behalf of this Court, Benjamin Sterns Esq. a member of the Bar of the second Judicial District Court of New Mexico is duly admitted to practice as an Attorney and Counsellor of this Court and is duly sworn accordingly.

On motion of Hiram Bredin Esq. on behalf of this Court, Alonzo Ellsworth Esq. a member of the Bar of the Second Judicial District Court of New Mexico is admitted to practice as an Attorney and Counsellor of this Court and is duly sworn accordingly.

28 John H. Riddell appellee } vs. } Appeal from Second Judicial District Court of New Mexico
Hank Metzgen appellant } C. L. Shindle

Whereas the Supreme Court of the United States since last to the Judges of this Court their Mandate setting that the said Hank Metzgen appellant and

Second day Tuesday January 6th 1874

failed to have his cause filed and docketed
in conformity to the rules of the said Court,
and stating the judgment and decree of
the said Court in the appeal taken by the
said Metzger be docketed and dismissed, and
that the said appellee John M. Waddell recover
against the said appellant thirty three dollars
and three cents and his costs in the said
Supreme Court of the United States expended; and that
the said cause be remanded to the said Supreme
Court of the Territory of New Mexico, and com-
manding that such execution and proceedings
be had in the said cause, as according to law
and justice, and the laws of the United States
ought to be had, the said appeal notwithstanding.
Now therefore it is ordered, adjudged
and decreed, by this Court that this cause be,
and the same is hereby remanded to the Dis-
trict Court of the County of Mora, and that
the said District Court may proceed upon
the said judgment, to the sum of four thousand
five hundred and seven dollars and sixty cents damages
and costs
secured by the said John M. Waddell against
the said Spanish Metzgen in the said District
Court, with interest thereon at the rate of six
per cent per annum from the twenty seventh
day of March A.D. 1866, the date of said
judgment; and also the sum of twenty
four dollars and twenty five cents for the
costs of the proceedings in the said District Court
as taxed, and also the further sum of thirty
three dollars and twelve cents adjudged
against the said Spanish Metzgen in the
Supreme Court of the United States, and also
the further sum of ten
dollars and fifty five cents the costs

Second day Tuesday January 6th 1874

Ollie Coutas taxed & this day came & was
Judge & the Said John M Bradley

Ordered that Court adjourn until
Seven O'Clock A.M. to-morrow

J. G. Palen
Henry S. Johnson
Warren Bristol

Third day Wednesday January 7th 1874

Court met pursuant to adjournment.
Present as on yesterday.

The record of yesterdays proceedings is
read and approved.

71 Antonio Mª Armijo Appellee } Error to 2d Judicial
vs } District Court
Jesus Baca et al James Story } A. D. Johnson
Def'ts in Error } J.

This cause came
on to be heard upon the motion of the said
Def'ndants in Error by Mr. Publicover their Attorney
to dismiss the writ of error herein. Whereupon
said motion was argued by Mr.
Publicover for Def'ndants in Error and Mr. Ilfeld
for Plaintiff in Error and the Court being sufficiently advised in the premises, denies said motion.

Ordered that Court adjourn until Seven o'clock
A.M. To-morrow.

J. G. Palen
Henry S. Johnson.
Warren Bristol

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

Thursday January 8th 1874

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings to read and approved.

It being suggested by the Marshal that the 8th day of this month, the anniversary of the battle of New Orleans, the Circuit of the United States for this District would by order of the Court adjourn until Monday 12 o'clock M. Whereupon

J. H. Baker
Hezekh. S. Johnson,
Warren Bradish

Friday January 9th 1874.

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

Whereupon William Wirt Esq. an Attorney of this Court, Chris Schmaltz a member of the Bar of the United States Court of New Mexico, is admitted to practice as an Attorney and Counsellor of this Court, upon filing with the Clerk of this Court the Certificate required by the rules.

Ellen Hunter, Plaintiff in Error
vs
James Conn, Defendant in Error

} Error to District Court of Dallas

65

Supd Ct Sidn January 9th 1874

Jno Comes the said Territory appellee by her Attorney General and files in the Court here in the certificate of the Clerk of this Court that the said appellant has failed to appear in this Court in said cause and to file a transcript of the record herein and docket said cause and Jno produces a transcript of the record herein and moves the Court to docket this cause upon the record and affirm the judgment of the District Court herein with costs.

And it appearing to the satisfaction of the Court from said certificate that no transcript of the record in this cause has been filed in this Court by the said appellant and no one appearing for said appellant to said motion or to prosecute his appeal, It is Ordered that the cause be placed upon the Docket of this Court and the Court having opened the record and heard the Attorney General on behalf of the appellee, affirms the said judgment.

It is therefore Considered that the said judgment be and the same is hereby in all respects affirmed with costs, and that the said appellee the Territory of New Mexico recover against the said appellant James C. Lent and Jno Lamb, James Emmons, & Pedro Negrete

Fifth day Wednesday January 9th 1874.

and Jury Dennick his securities the sum of
twenty five dollars. the fine assessed against
the said James G. Reed in the District Court as
aforesaid, and also the sum of twenty one
dollars and fifty cents the costs of the
prosecution in the said District Court, and also
the further sum of Fifty Six dollars and forty
three cents for the costs of the United States
District Court of New Mexico herein expended.

And it is further Ordered, that this Cause
be and the same is hereby remanded to
the said District Court for execution.

Ordered
that Court adjourn until Eleven o'Clock
A. M. to-morrow.

J. G. Palen
Rezek. S. Johnson,
Clerk. Assist

Sixth day Saturday January 10th 1874

Court met pursuant to adjournment.
Present as on yesterday.

The record of yesterday proceedings is read
and approved.

On motion of Simmons, Esq.
Esq. an Attorney of this Court, it is Ordered
by the Court that Thomas H. Catron Esq. be and he is hereby admitted
a member of the Bar of this District, and
he subscribed to the rules of Court as an Attorney and Counsellor
of this Court and is duly sworn Each.

On motion of Thomas H.
Catron Esq. an Attorney of this Court, Ad-

Entitled day Saturday January 10th 1874

On Dr. Wills Esq. a member of the bar of the 2nd Judicial District Court of New Mexico, is now admitted to practice as an Attorney and Counsellor of this Court and is duly sworn as such.

Ordered that Court adjourn until 10 o'clock A.M. on Monday next.

J. J. Palen
Reyes A. Johnson
Warren Bristol

Entitled day Monday January 12. 1874

Court met pursuant to adjournment.

Present as on Saturday.

Whereupon it is ordered that the record be corrected as follows.

The United States of America appellees
vs.
George W. Grafton appellant
mistakenly sued herein as John W. Grafton

} Appeal from Judicial District
C. J. Palen.

And now come the said appellees by their District Attorney and file herein a transcript of the record in said cause and the certificate of the Clerk of this Court showing that the said appellant has failed to file said transcript or docket said cause, and move the Court to docket said cause, dismiss the record and affirm the judgment of the District Court herein.

And it appearing to the satisfaction of the Court from said Certificate that the said appellant has failed to file a transcript

Thirty day Monday January 12th 1874

This cause coming on this day to be heard upon the Complaint obtaining for the said appellant an injunction and said motion this day heard It is Ordered that this cause be placed upon the docket of this Court and the Court having heard the record and argument of the U.S. District Attorney on behalf of the said appellees affirm the said Judgment.

It is therefore Considered that the said judgment &c. and the same is hereby in all respects affirmed with costs and that the said appellees the United States of America recover against the said George W. Holmes appellant and principal and Thomas Shumate and Thomas Crutchfield his sureties in the bond and undertaking in this cause filed and the same is hereby remanded to the said District Court for further proceedings

Alexandria Va. } Thos. Miller
vs
Geo. W. Holmes } Appeal from D.C.
A. J. Johnson.

Now came on to be heard the motion of the appellees by their Attorney to dismiss the appeal of the complainant heretofore entered herein and the said cause for further proceedings, the record of which is defined with the argument of the cause.

Ordered that Court adjourn until 10 o'clock A.M. to-morrow.

J. G. Fabin
Hugh S. Johnson
Hanson Knight

Saml Chase Judge January 15th 1874.

Court met pursuant to adjournment

Present as on yesterday

The record of yesterday's proceedings read and approved.

63 The United States of America appellants } Appeal from Judicial
vs District C.J. Waite
Samuel Yarela appellee } This cause is now
set down for argument, on Thursday next

64 The United States of America } Error to Circuit Judicial
vs District. C.J. Waite
Martin Rochoroti } This cause is now
set down for argument on Thursday next

68 The United States of America appellants } Appeal from
vs Judicial District
Antonio Joseph appellee } C.J. Waite.
This cause is now
set down for argument on Thursday next.

69 The United States of America appellant } Error to Circuit Judicial
vs District
Juan Santisteran.
This cause is now
set down for argument on Thursday next.

70 The Maxwell Land Grant & Railway Company. } Certificate
Lucien B. Maxwell vs B. Mudge appellees } from
Circuit
Court
Leadville Chimpom. Admx &c Georgetown
see transcript and George Bowles second on division
in circuit Court. Wilson Benham admr &c Miller Circuit appellees

Eighth day: Tuesday January 13th 1874

Now comes Thomas D. Eaton Counsel for the said appellee, and files his affidavit stating a diminution of the record in this cause, in this that the transcript does not contain a copy of the summons in the original bill, the amended bill and summons thereto, the supplemental bill stating that the heirs of Charles Beaubien, on his death being suggested be made parties, and the answer of said heirs, the pleas pris dasion continuance and demurrer thereto, the motion suggesting time of decease and order thereon, and the stenographic notes of Edward Merrick, the master in Chancery, and the general replication, in the journal entries, in all of the said summons and motions, all of which errors is pressed, and therefore prays that for said cause and diminution the record of the Court shall be certified to the Court herein with instructions to complete the same by adding thereto the pleas and demurrer filed by the defendants, and the order sustaining the demurrer and dismissing the bill and supplemental bill and the heirs of Charles Beaubien, and to strike out the suggestion filed in behalf of said heirs, and to return the said record into this Court instanter.

And it is therefore ordered that said record be and the same is hereby remanded to the District Court for the County of Cook with instructions to said Court to perfect the same by adding thereto true and perfect copies of the papers and journal entries specified in said affidavit, of the same remaining of record in that Court, and to return the said record into this Court instanter.

Eighth day Tuesday January 13th 1874

70 The Illinois Grand Trunk Railway Company Pltf's
vs
Guardship Simpson Admx. etc Defts
} Appeal from Judicial District Colfax County

This cause is now set down for argument on Monday next.

Ordered that Court adjourn until 9 o'clock A.M. to-morrow.

J. L. Paden
Hezekiah S. Johnson.
Warren Bristol

Ninth day Wednesday January 14th 1874

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings is read and approved.

71 Antonio M.a Armijo Appellee
vs
Jesus Baca and James Lee Appellants
} Error to 2d Judicial District Socorro.

Mr Bell moves for said Defendants in Error and moves the Court for leave to withdraw the motion filed herein to set aside the decree of the Court below, and permit the cause to be heard upon proceedings and there being no objection made to said motion, and the Court being sufficiently advised on the premises. Grants said motion.

Sixth day Wednesday January 14, 1874

71 Antonio M. Armijo Appellee
vs
Jesus Baca & James Stone Defendants
} Error to Second Judicial Dist. Socorro County.

This cause now came on to be heard, and was argued by Mr. Adams for the plaintiff in error, and by Mr. Russell for the defendants in error, and the argument being concluded the same was submitted to the Court for its decision, and the Court not being sufficiently advised in the premises takes the same under advisement.

Ordered that Court adjourn until ten o'clock A.M. to-morrow.

J. G. Palen
Hezek. S. Johnson,
Warren Bristol

Sixth day Thursday January 15th 1874

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings is read and approved.

66 Henry Branford Loomis
Branford and Edward Branford Jr.
by Edward Branford Sr. their
guardian ad litem Appellants
vs
William Grant and
Richard Romero, Appellees
} Appeal from Second Judicial District Bernalillo Co.

Now came the

14th day January 16th 1874

Said appeals by Thomas J. Semmes Esq. their Counsel and Move the Court to dismiss the appeal herein for want of jurisdiction, and after hearing Mr. Semmes in support of said motion and Mr. Smith Evans Counsel for appellants in opposition thereto. the Court not being fully advised in the premises, takes the same under advisement.

63 The United States of America appellant
vs
Samuel Yuneta. appellee
} appeal from District Court

This cause now came on to be heard and was argued by the Dist. District Attorney for the appellants and by Counsel for the appellee and the Argument being concluded, the cause is now submitted to the Court for decision and the Court not being sufficiently advised in the premises takes the same under advisement.

64 The United States of America
vs
Martin Koshowski
} Error to Dist Judicial District

This cause now came on to be heard and was argued by the Dist. District Attorney for the plaintiff in Error, and by Counsel for the defendant in Error and the argument being concluded, is now submitted to the Court for decision and the Court not being sufficiently advised in the premises takes the same under advisement.

Tenth day Friday January 15th 1874

68 The United States of America appellants } Appeal
Antonio Jose Pla appellee } First Judicial Distric

This cause coming on to be heard, and was argued by the U.S. District Attorney for the appellants and by Counsel for appellee, and the argument being concluded, is now submitted to the Court for its decision, and the Court being sufficiently advised in the premises takes the same under advisement.

69 The United States of America } Appeal from
vs } First Judicial District
Juan Fernandez

This cause coming on to be heard, was argued by the U.S. District Attorney for the plaintiffs appellants, and by Counsel for defendants appellees, and the argument being concluded, is now submitted to the Court for its decision, and the Court being sufficiently advised in the premises, takes the same under advisement.

Ordered, that Court adjourn until 9 o'clock A.M. to-morrow

J. F. Patrick
Hezekiah S. Johnson,
Warren Bristol

Eleventh day Friday January 16th 1874.

Court met pursuant to adjournment.

Present as on yesterday.

Seventh day Friday January 16th 1874.

The record of yesterdays proceedings is read and approved.

Mary Bransford Lassie Bransford and Edwin Bransford by their Guardian ad litem } Appeal from Second Judicial District Bernalillo County

vs.

66 William Gentry } Bernalillo County

Victorio Romero, appellees

The motion of said appellees to dismiss the appeal herein having been argued by Counsel and submitted to the Court for its decision at this term, and the Court having fully considered the same and being sufficiently advised in the premises, announced its opinion by the Hon. Chief Justice Benedict, sustaining said motion.

It is therefore Considered that the said appeal be and the same is hereby dismissed. and that the said appellees recover of the said appellants their costs herein. and that Execution issue therefor. opinion in writing filed on associate justice Knaebel and ordered to be recorded.

Clarinda Huff, Plaintiff in Error

vs. } Error to Second Judicial District

The Territory of New Mexico on the relation of Jesus Baca and James Gray. Defendants.

Error

Now comes the Plaintiff in error by his Attorneys, and states to the Court that this cause was originally entered in this Court and docketed by the Style of Clarinda Huff, Plaintiff in Error vs. Jesus Baca and James Gray, and moves the Court to correct the style of the docket of this cause so as to show that the defendants herein, the Territory of New Mexico on the relation

372

Twenty day Friday January 16th 1874

Jesus Baca and James Gray, on behalf
Came proceed and such Corrected Title or title
which motion is based on the Transcript in this
cause. After hearing Mr. Ellis of Counsel
for Plaintiffs Exrs. no one appearing to op-
pose the same being duely advised in the
premises Sustains said motion

It is therefore Ordered that the Style
& title of the docket of this cause be Amended
so as to show that the Defendant in Error
is the County of New Mexico, in the place of
Jesus Baca and James Gray. and
that the cause proceed under such Corrected
Style & title.

Mary Bamford, Louisa Bamford
and Edward Bamford Jr. by
Edward Bamford Jr. their guar-
dian, (Appellees

vs

William Gurt and
Cristobal Romero (Appellants

Appeal
from Judicial
District
Bernalillo County

54

This cause is
now set down for argument, to-morrow.

Ordered that Court adjourn until ten
o'clock A.M. to-morrow

J. L. Baker
Hezekiah S. Johnson,
Warren Bristol

Twenty first day Saturday January 17th 1874

Court met pursuant to adjournment.
Present as on yesterday.

Thursday Saturday January 19th 1894.

Present Chief Justice Allen Justice Johnson and Justice Connor.

71 Antonio Mª Amigo vs Eliz Emily Amigo wife of Jesus Baca and James Dixon } Error to Second Judicial District Court Bernalillo County.

Error dismissed at appellants cost.

This cause having been argued by counsel and submitted to the Court at a former day of the term and the Court having fully considered the premises announced its decision by Chief Justice Allen reversing the judgment of the Court below and remanding the cause with instructions to dismiss the proceedings at the cost of the relator.

It is therefore Considered that the judgment of the Court below in this cause be and the same is hereby reversed, and that the said Antonio Mª Amigo recover of the said relators Jesus Baca and James Dixon the sum of Twenty six Dollars and mesne and his costs herein expended and that execution issue therefor.

And it is further ordered and adjudged that this cause be and the same is hereby remanded to the District Court of the County of Bernalillo with directions to dismiss the proceedings at the cost of the said relators.

Opinion per curiam filed by Chief Justice Allen and ordered to be recorded.

Associate Justice Johnson concurring with the opinion of the Court.

Tenth day Saturday January 9th 1874

In the matter of }
Wilson Benedict. }

Now comes Sydney C. Wilhelm Esq. Louis Houghton Esq. and William Dee Esq. and presents a motion which is ordered to be filed

Ordered that Court adjourn until 9 o'clock a.m. on Monday next.

J. G. Palen
Clerk. S. Johnson
Deputy Clerk

Eleventh day Monday January 19th 1874.

Court met pursuant to adjournment.

Present as on Saturday

The record of Saturday's proceedings is read and approved.

54 Wm Bringford, Caroline Bringford and Edward Bringford by Edward Bringford Sr. their Guardian ad litem

vs

William Ernst and Catharine Ernst. ats

} Appeal from Judicial District Amarillo Potter.

Now comes Thomas Harrison Counsel for said appellants and moves the Court for leave to file an additional assignment of Errors herein and after hearing him, and no one in support of said motion, and Mr. Griffith Counsel for the appellees opposing thereto, the Court not being sufficiently advised in the premises. takes the same under advisement

Thirteenth Day Monday January 19th 1874

In the matter of }
Hiram Benedict }

The motion for Leave to present a petition of the said Hiram Benedict, made at a former day of this Term, coming on to be heard upon the papers and proceedings had in the Court heretofore had in the premises, the Court doth order and petition be received and filed.

In the matter of }
Hiram Benedict }

The Court having considered the petition of Hiram Benedict praying for a restoration to the bar of this, and the Districts of the Counties, dated January 16th A.D. 1874 and filed in this Court, doth order, and it is hereby ordered that it be referred to Sydney A. Corbett Esq. Lucius Chamberlain Esq. and William Keeler Esq. Attorneys and Counsellors of this Court, who are appointed Referees for that purpose, to enquire ascertain and report to this Court as to the general character of the said Hiram Benedict for the three years last past, whether good or bad; that they also enquire, ascertain and report as to the conduct and demeanor of the said Benedict during that period towards the Justices of this Court, or either of them; and that for the purpose of making full investigation in the matter, the said Referees are directed to procure files of the Supreme Court, a proper daily publication in Dunlap, and ascertain what articles if any, reflecting upon the official or personal conduct of said Justices or of either of them, published in said papers, were communicated or approved of in said papers by the said Benedict; that they also procure the files of the Dunlap Herald

Thirtieth day Monday January 19th 1874

Union, a newspaper edited & published by said Benedict; and ascertain what articles if any, defamatory of said Justices or either of them, have been published in said paper: that they enquire, ascertain and report to this Court what connection if any the said Benedict had with the Act passed in the Legislative Assembly of this Territory, at the years 1871 and 1872 to destroy the independence of the judiciary of the Territory, and so disgrace and degrade a Justice of this Court: that they also enquire, ascertain and report, what part if any the said Benedict had in the Effort to procure the enactment of a Law by the said Legislative Assembly to compel the Courts of the Territory to permit the said Benedict to practice as an Attorney and Counsellor therein:

That the said Referees also report to the Court any other facts & circumstances relative to the conduct of said Benedict, as they may be informed in reference, that may be ascertained by them, particularly as to such of his habits, including the excessive use of intoxicating drinks, as may affect his qualifications and standing as an Attorney.

For the purpose of enabling the said Referees to execute this order, they and either of them are hereby authorized to administer oaths to witnesses, and to procure from the Clerk of this Court process, subpoena for the attendance of witnesses before them.

The said Referees are also required to report to this Court, the facts ascertained by them, with their opinion, based thereon, as to the propriety of admitting the said Lesbia Benedict to practice as an Attorney and Counsellor in this Court, and the District Courts of the Territory.

Thirteenth day Monday January 29th 1894

Ordered that Court adjourn until
Eleven o'clock A.M. to morrow.

J. G. Belcher
Hezekiah S. Johnson
Warren Bristol

Fourteenth day Tuesday January 30th 1894

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterday's proceedings was read and allowed.

Abner Bronson and Charles Bronson by Edmund Bronson Jr. their guardian, appellees

vs

William Eastman, Distant Owners, appellants

} Appeal from Second Judicial District Bernalillo County

54

And appellants counsel desire to file an additional assignment of error herein. Having been argued at former day of this term, and the Court having taken the same under advisement, is now fully advised in the premises and announces its decision by Associate Justice Bristol denying said motion.

It is therefore Ordered that said motion be and the same is hereby denied.

On motion of Thomas B. Catron Esq. one of Attorneys of this Court, Colin T. Shaw is admitted as a member of the Bar of this Court

Fourteenth day Tuesday January 30, 1872

Judicial District Court, this admitted to practice as an Attorney and Counsellor at Law, and took the usual oath.

Alan Bonifer (Austin Bonifer, an Edmund Bonifer Jr. their guardian) appellees, } Appeal from 2nd Judicial District Bernalillo County

54 vs

William Hunt and Gustavo Romero, appellants } 3

This cause now came on to be heard, and was argued by Henry Connell for the appellants and by Mr. Simpson for the appellees, and the argument being concluded, and submitted to the Court for its decision, the Court being sufficiently advised in the premises, announces its decision reversing the judgment of the Court below, each of the parties to pay their own costs. Whereupon it is therefore Considered, that the judgment of the District Court for the County of Bernalillo, in said cause be, and the same is hereby reversed;

And it is further ordered, adjudged that said cause be, and the same is hereby remanded to the said District Court, with directions to award a new trial therein, and for such further proceedings to be had in said Cause, as shall be agreeable to law and the practice of said Court.

Ordered that Court adjourn until eleven o'clock a.m. to-morrow.

J. G. Palen
Register of Probate,
Warren Bristol

Fifteenth Day Wednesday January 21st 1874

Court met pursuant to adjournment

Present as on Yesterday.

The record of Yesterdays proceedings read and affirmed.

And now on this twentieth day of January A.D. 1874 Francis Fowler an alien and late of Jamaica appeared in open Court and declared on his solemn oath that he first arrived in the United States of America on or about the 25th day of December A.D. 1855, and that it is bona fide his intention to become a citizen of the United States, and to renounce and abjure forever all allegiance and fidelity to the Republic of Jamaica, whose subject he was. His Entry having been omitted in the record of yesterdays proceedings, by order of the Court it is now entered pro tunc

It is Ordered that hereafter and until otherwise ordered the terms of the District Courts for the trial of causes arising under the laws and Constitution of the United States, in the several Districts of this Territory, shall be held as follows, to wit:

In the First Judicial District Commencing on the first Monday of February and the second Monday in July in each year, and continuing in session one week including the first Monday of March and August unless the business thereof shall be sooner disposed of.

Fifteenth day Wednesday January 21. 18

In the Second Judicial District Commencing on the last Monday of April and September in each year, and continuing in session until the business thereof shall be disposed of not exceeding three weeks and one day.

In the Third Judicial District Commencing on the second Monday after the fourth Monday of May and October in each year and continuing in session until the Business thereof shall be disposed of not exceeding three weeks and one day.

And it is further Ordered, that all writs processes, Subpoenas and other and different Rules, which said terms shall heretofore have been issued and held, shall retain the same force and effect as if made returnable at the times herein fixed.

Ordered that Court adjourn until ten o'clock A. M. to-morrow.

J. G. Baker
Hezekiah S. Johnson,
Wm Bristol

Sixteenth day Thursday January 22d 1874

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and Approved.

The Marshall was Ordered to Summon Charles Empey, Lucien B. Maxwell and Lyle B. Maxwell to be and appear as

Thursday Jan. Session January 22d 1874.

70 vs. } Appeal
Guardianship & Commitment &c. } from Judicial
of the Estate of Alfred Bennett dec'd. } District.
George Thompson Sheriff } Colfax County.
and George Bowles guardian }
ad litem of Charles Bennett Julia }
Bennett and Alfonso Bennett }
Appellants }

This cause came on to be heard upon the transcript of the record and was argued by Mr. Thompson of counsel for the appellants, and by Mr. Lamon for the appellees, and there not being time to conclude the argument on this day, it is ordered it be continued until to-morrow.

Ordered that court adjourn until ten o'clock A. M. to-morrow.

J. G. Palen.
Hezekiah S. Johnson,
Comm Pro tem

Friday Session Friday January 23d 1874.

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

Christopher Bennett and Hannah } Appeal
Bennett, minors under 18. } from Judicial
Samuel and Eliza D. Stanley } District.
his wife } Colfax County.
Appellees. }

70 vs.

Guardianship & Commitment of the

Territory of New Mexico, January 28th, 1874

Estate of Alfred Bennett dec'd
George Simpson Executor.
and George Bowles Guardian
ad Litem of Charles Bennett
Bennett and Albert Bennett Appellants

This cause
again comes to be heard upon the pleadings
of the record, and was argued by Counsel and
the argument being concluded, the Court adjourned
until to the Court for its decision, and the Court
not being sufficiently advised in the premises
takes the same under advisement.

In the matter of }
Ruby Benedict }

Now comes Thomas B. Knowlton
Esq and Sydney A. Hubbell Esq. Attorneys for said
Benedict & the Petitioner & this motion, and pray
the Court for leave to withdraw the petition and
application of said Benedict presented and filed on
a former day of this term, in the matter of contempt
said motion being made at the request of said
Ruby Benedict.

On consideration whereof, It is Ordered
that the proceedings herein be and the same are
hereby dismissed, and the Petitioner discharged from further consideration of
the matters referred to herein.

And it is further Ordered that the
petition of the said Benedict be granted & leave
to the Honorable the Judges of the Supreme
Court of the District of New Mexico, now in session
at Santa Fe, at the January Term 1874.

Ruby Benedict, the undersigned your
Petitioner, Humbly and respectfully Petitions
your Honors, and the said Supreme Court to remove

Fifteenth Day January 23d 1874

From prefer Judgment & Suspension from Practice as an Attorney and Counsellor at Law in the Courts of this Territory, made at January term of this Court. I present this Petition to your Honors in the Spirit of Confession, Respect, Obedience and Supplication. I confess to have committed against the Court, its dignity and Judges divers, improprieties and Contempts, for which, the Court in the preservation and maintenance of its duties, powers and usefulness rightly adjudged & should be punished. The Court pronounced the punishment to be Suspension from Practice which has continued now over three years. I now come and Supplicate and sincerely crave the pardon and forgiveness of your Honors and the Court for any and all Errors and Offences which caused the Judgment of Suspension and also for any other acts of mine since that period of Personal offense to the Court Either of the Persons of your Honors. This I cast in the Spirit of regret and Penitence, and thus to make such Atonement as is honorable and in my power, for any and all wrongful offences Practices committed by me against the persons or dignity of the Judges or either of them.

I further state and solemnly promise, and pledge myself to your Honors that upon being restored from the said Suspension, no Excess Liquors offensive practices of any character shall ever more pervade, or any Drunken or improprieties within the Court, nor from the persons or dignities of the Judges.

Accumulating regret, pain and penitence press upon me, and I desire to be at peace and maintain just and honorable relations with the Court, the Judges and Bar, and Etc.

Seventeenth day Friday January 23d 1874

remaining days as may be allotted to me, in such useful manner as may be, to my family and others, in the practice of the Profession of my life.

I beg your Honor to grant this my Petition at least in generous clemency and grant me the relief I pray for, and which is absolutely in your power to grant.

All of which I most respectfully submit.

Santa Fé N. M.
January 16th 1874

Lesley Benedict.

Ordered that Court adjourn until 10 o'clock A.M. to-morrow.

J. G. Palen
Hezekiah S. Johnson,
Wm Breeze

Eighteenth day Saturday January 24th 1874

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

In matter of Estimates &c. Ex. United States District Attorney. It is ordered that John D. Hinges of Valencia County, Teodoro N. Vega of Mora County, Louis Lebeau of San Miguel County, John M. Thorn of Bernalillo County, A. M. Steward of Lincoln County, Florencio Sandoval of Santa Ana County, John Dominguez of Río Arriba County, Romero of Taos County, John E. Leach of Doña Ana County, John M. Kinsell of Grant

Eighteenth day Saturday January 24th 1874.

Comty. Rufus J. Allen & Emile André Lemly and Jane Lemly of Lincoln Comty. Ne. are this day here duly appointed United States Commissioners for the District of Nebraska.

On motion of Thomas B. Cotton Esq. District United States Attorney, It is Ordered that William Brady of Lincoln Comty. United States Commissioner for this District be and he is hereby removed from that position.

Gertrude C. Hamilton Adm'x &c. and David L. Hamilton Heir Insolvent	appellees	Appeal from the District Court Platte County
78 William G. Moore and William L. Mitchell,	appellants	

Whereas the Supreme Court of the United States sitting at the City of this Court their Mandate declaring that the decree of the District Court for the County of Aforesaid in this Cause on the 28th day of August A.D. 1870 and of this Court rendered therein on the 28th day of January A.D. 1871 in favor of said appellees have been reversed by the Judgment and decree of the said Supreme Court, with costs, and that the said appellants William G. Moore et. al. recover against the said appellees Two Hundred and forty dollars for their costs in said Supreme Court expended and given Executing therefor; and remanding said cause to this Court with directions to set aside the Interlocutory decree of the master; that a new master be appointed with directions to adjust the accounts on the basis of an interest of one cent

Eighteenth day January A.D. 1874

in Orders in the Common Branch of the Business and one-third in the other. And that such adjustment be made in conformity with the opinion of said Supreme Court so far as it can be done for a guide, and that the final decree to be rendered in the case shall be a full settlement of all the matters litigated in the bill, cross-bill and answer and Commanding that such Execution and further proceedings be had in said cause in conformity to the opinion and decree of said Supreme Court as according to right and justice and the terms of the Mandate ought to be had. The said Appeal notwithstanding.

It is therefore Ordered, Adjudged and decreed and this Court doth hereby Order, adjudge and decree, that the entire report of the Master, made in this cause be and the same is hereby set aside; that a new Master be appointed by the Court to adjust the accounts between the parties, on the basis of one interest of one-eighth in Webb in the Northern Branch of the Business, and one-third in the other; and that such adjustment be made in conformity to the opinion of the Supreme Court of the United States in this cause, so far as it can be done for a guide: and that the final decree to be rendered in the cause, shall be a full settlement of all the matters litigated in the bill, cross-bill and answer.

It is further Ordered, Adjudged that the cause be and is hereby remanded to the District Court for the County of Adams, with directions to said Court to appoint a new master, and for such Executions and further proceedings to be had, in conformity to the decree and opinion of said Supreme Court of

Eighteenth day Saturday January 24. 1874.

The United States as according to right and justice, and the laws of the United States ought to be had.

Ordered that Court adjourn until eight O'clock A.M. on Monday next.

J. B. Baker
Hezekiah S. Johnson,
Warren Brevoort

Nineteenth day Monday January 26th 1874

Court met pursuant to adjournment.

Present as on Saturday.

File docket of Saturday proceedings read and approved

The United States of America appellants
vs
Samuel Yuma appellee
} Appeal. 2nd Judicial District

This Cause having been argued by Counsel and submitted at the former day of this term, and the Court having taken the same under advisement, and now being fully advised on the premises, the Court announces its decision in Associate Justice Johnson affirming the judgment of the Court below.

It is therefore Considered and adjudged that the judgment of the United States District Court for the 2nd Judicial District in this cause be, and the same is hereby affirmed.

Opinion filed in Associate Justice Johnson and ordered to be Recorded.

Thirteenth day Monday January 26th 1891

63 The United States of America, appellants } Appeal from Dist Judicial District
vs
Manuel Varela, appellee

On application of the said appellants by their District Attorney. It is Ordered that a writ of Error therein be and the same is hereby allowed.

64 The United States of America } Error to Dist Judicial District
vs
Martin Bollowski

This cause having been argued by Counsel, and submitted at a former day of this term, and the Court having taken the same under advisement, having now fully advised, on the motion the Court announces its decision by Associate Justice Johnson affirming the judgment of the Court below.

It is therefore Considered and adjudged that the judgment of the United States District Court for the 2nd Judicial District, in this cause be and the same is hereby affirmed.

Opinion to be filed by Associate Justice Bristol.

64 The United States of America } Error to Dist Judicial District
vs
Martin Bollowski

On application of the said plaintiffs in Error by their District Attorney It is Ordered that a writ of Error therein be and the same is hereby allowed.

68 The United States of America, appellants } Appeal from Dist Judicial District
vs
Antonio Lopez, appellee

Thirteenth day Monday January 26th 1874

This Cause having been argued by Counsel and submitted at a former day of this Term and having been taken under advisement the Court being more fully advised in the premises announces its decision by Associate Justice Johnson affirming the judgment of the Court below.

It is therefore Considered and adjudged that the judgment of the United States District Court for the Dist Judicial District in this Cause be and the same is hereby affirmed.

Opinion to be filed by Associate Justice Bissel

68 The United States of America appellants } Appeal
vs } Dist Judicial Distict.
Antonio Joseph appellee }

On application of the said appellants by their District Attorney It is Ordered that a writ of Error do issue and the same is hereby allowed.

69 The United States of America } Error to
vs } Dist Judicial Distict
Juan Santisteban

This Cause having been argued by Counsel and submitted at a former day of this Term, and having been taken under advisement, the Court being now fully advised in the premises, announces its decision by Associate Justice Johnson affirming the judgment of the Court below.

It is therefore Considered and adjudged that the judgment of the United States District Court for the Dist Judicial District in this Cause be and the same is

Thirteenth day Monday January 26th 1874

Hereby affirmed.

Opinion filed by Associate Justice Johnson

69 The United States of America } Error to
vs } First Judicial District
Juan Santisteban

On application of the said plaintiffs in Error by their District Attorney It is Ordered that a writ of Error Issue herein and the same is hereby allowed.

The Committee of the Bar, composed of Messrs. Johnson, Knaebel and Conway, appointed at a former day of the term to draft and report appropriate resolutions, Expressive of the feelings of the Court and Bar, at the death of Hon. Theodore D. Wheaton, late an Attorney and Counsellor of this Court, was presented by Mr. Johnson the following resolutions, which were ordered to be filed and Entered on the Record of the Court.

Resolutions.

Whereas it has pleased the All-wise Disposer of Providence to take from our midst, since the last Session of the Supreme Court, our Brother the late Theodore D. Wheaton, who Immediately a quarter of a century, had been an active member of the Bar of this District and during said period has held various positions of honor and trust, under both the Federal and Territorial Governments;

Therefore Be it resolved.

That the members of the Bar and officers of the Court, Entertain a profound sense of the loss, which in common with the entire people of this Territory, they have sustained in the death of the late Theodore D. Wheaton, & they Mourn for the Community

Thirteenth day Monday January 26th 1874

and Especially to the Legislature for his faithful
legislative accomplishments, and the Eminent ability
in which he discharged the various Offices
of Confidence and trust, which it pleased his Excellency
to fill in New Mexico.

2 That we will maintain the accustomed badge
of mourning during the present term of the Court.

3 That the Honorable Supreme Court be
therein respectfully solicited to order that these
proceedings may be extended on the minutes of
the Court.

4 That the Clerk of the Supreme Court
of the Territory of New Mexico, is hereby requested
to forward to the family of the deceased a copy
of these proceedings, communicating at the same
time the deep and sincere sympathy felt by the
members of the bar and Officers of the Supreme
Court of the Territory, in the affliction with
which they have been visited by a wise and
merciful Providence.

It is further ordered that the foregoing
resolutions be published in the Santa Fé New
Mexican, and that the Clerk forward copies
of the Order containing the same to the
Press of the Territory; of St Joseph Missouri, and
Bryan Texas Etc.

And in token of the respect paid to the
Memory of the deceased.

Court now adjourns until 9 o'
clock A.M. of to-morrow.

J. L. Collier
Chief Justice

Jan'y 27th 1874

Court met pursuant to adjournment.

Present as on yesterday. Except Associate Justice Johnson.

The record of yesterdays proceedings was read and approved.

Ordered, That Rule 17 (Equity Cases) be, and the same is hereby amended so as to read, as follows, to wit:

Rule 17.

When the Defendant appears in Court, it shall be his duty, unless the time shall be otherwise enlarged for cause shown, by the Court, upon motion for that purpose, to file his plea, demurrer, or answer to the bill in the Register's office within thirty days after the day of Entering his appearance. In default thereof, the Plaintiff may at his election enter an order (as of course) on the Order book that the bill be taken pro confesso and thereupon the cause shall be proceeded in ex parte, and the matter of the bill may be heard by the Court at the next Ensuing term thereof, accordingly. If the same order be done within ten days after the appearance day, and after the Defendant has appeared in the cause, not-

Twentieth day Tuesday January 27th 1874.

Notwithstanding the time for answering under the rules has not expired.

That Rule 42 (Equity Cases) be and the same is hereby amended, so as to read as follows, to-wit:

Rule 42.

No demurrer or plea shall be allowed to be filed to any bill, unless upon a certificate of Counsel, that in his opinion it is well-founded in point of law, and supported by the affidavit of the defendant, his agent, attorney or Counsel that it is not interposed for delay; and if any demurrer or plea be put in without such certificate and affidavit, it may be set down for argument at the instance of the plaintiff, and unless the defendant within such time as the Court or a Judge thereof may order, shall assign in writing and file with the Clerk, the causes of demurrer or plea, the plaintiff may proceed as if no demurrer or plea had been put in, and the defendant shall not be heard in support of his demurrer or plea.

And it is further ordered, that the following Rules for the regulation of the practice in Writs of Error be, and the same are hereby adopted, to wit:

Writs of Error.

I.

A Writ of Error out of the Supreme Court of the Territory may be allowed by order of the District Court in a cause, at the term at which the judgment therein shall be rendered upon the plaintiff in Error, his agent or attorney, making and filing in the cause an affidavit stating that such writ of Error is not sued out for the purpose of vexation or delay, but because the plaintiff in Error is aggrieved by the judgment or decision of the Court.

II.

When the writ is applied for at a term of the Court subsequent to that at which the judgment was rendered, or in vacation, the party applying for the same, his agent or attorney, shall, in addition to the affidavit required in the preceding rule, present to the Court or Judge a petition for the writ, setting forth the alleged cause or causes of Error, and a transcript of the record and judgment complained of, as well to enable the Court to pass upon the alleged causes of Error, when such pe-

Thirtieth day Tuesday January 21st 1879

petition shall be duly verified by the party, his agent or attorney.

III.

The allowance of a writ of Error shall not operate as a stay of execution, or a supersedeas in any case, unless the plaintiff in Error is Executor or administrator, and the action by or against him as such; or the plaintiff in Error or some responsible person for him, together with two sufficient securities, to be approved by the Court or judge allowing the writ, within sixty days from the rendition of the judgment, Execute a bond to the adverse party, and file the same with the Clerk of the Court, in a sum sufficient to secure the debt, damages and costs recovered by the judgment, together with the interest that may accrue thereon, and the costs and damages which may be recovered in the Supreme Court. Conditioned that the plaintiff in Error shall prosecute his writ of Error with due diligence, to a decision in the Supreme Court and if the judgment be affirmed, or the writ of Error dismissed, that he will perform the judgment of the District Court, and that he will also pay the costs and damages that may be adjudged against him in the Supreme Court upon his writ of Error.

IV.

All writs of Error allowed thirty days before the first day of the next regular term of the Supreme Court shall be returnable on the first day of such term; when allowed less than thirty days before the first day of the next ensuing regular term of the Supreme Court, they shall be returnable on the first day of the next regular term of the Supreme Court after such first term.

V. The plaintiff in Error shall file in the office of the Clerk of the Supreme Court, at least ten days

Twenty sixth day Tuesday January 27th 1874.

Before the first day of the term of such Court to which the writ of Error is returnable, a perfect transcript of the record and proceedings in the case of the said Isaac Cook, the defendant in Error may produce in Court such transcript, and if it appear there in by the certificate of the Clerk of the Court that a writ of Error has been allowed in the case the Court may, on motion of the defendant in Error, dismiss the writ of Error, or affirm the record and affirm the judgment if proper.

It is ordered that the Clerk of the Court to which any writ of Error shall be directed, may make return to the same by transmitting a true copy of the record and of all proceedings in the cause, under his hand and the seal of the Court.

It is ordered that the Clerk transmit certified copies of the foregoing rules, and amendments of rules to the several District Courts, with instructions to enter the same of record.

Ordered that Court do now adjourn until to-morrow 10 o'clock A.M. of this day.

Jas Bates
Chief Justice

Twenty first day Wednesday January 28th 1874

Court met pursuant to adjournment.

Present as on Tuesday last.

The record of the proceedings was read and approved.

Ordered that

Thursday Sept 4th January 3rd 1874.

Thomas Ewin Esq. an Attorney of this Court, Albert G. Bryan Esq. a member of the Bar of the Eleventh Judicial District Court of this State, was admitted to practice as an Attorney and Counsellor of this Court, and was duly sworn as such.

Sue Maxwell Jno Grant and Railroad Company, Lucien B. Maxwell and Lis B. Maxwell his wife. (appellees) } Appeal from Eleventh Judicial District.

Guadalupe Simpson, widow of the late Alfred Bent deceased, George Simpson her husband, and George Bowles Guardian ad litem of Charles Bent and Julian Bent and Alberto Bent. (appellants) } Las Animas County.

This cause having been argued and submitted at a former day of this term, and having been fully considered, the Court being now fully advised in the premises, announces its decision by Chief Justice Bristol, affirming the decree of the Court below with costs.

It is therefore ordered adjudged and decreed, that the decree of the District Court for the County of Conejos, in this cause, be and the same is hereby in all respects affirmed. and that the said appellees. Sue Maxwell Land Grant and Railroad Company, Lucien B. Maxwell and Lis B. Maxwell his wife recover against the said appellants, Guadalupe Simpson, Admr. of the Estate of Alfred Bent deceased, George Simpson her husband, Charles Bent, Julian Bent and Alberto Bent, by George Bowles their Guardian ad litem, for their costs.

May Term 1874 January 21st

and pay Six Cents, their Costs herein ex-
pended as prayed, and that Execution issue therefor.

And afterwards to-wit on the motion of the
appellants by their Counsel and the Court
being sufficiently advised in the premises
doth find that the appellees, Thomas Ernest
and W. S. Simson are securities on the appeal
bond of the said appellants, herein, It is further
considered and adjudged that the said appellees
have judgment against said securities for the a-
mount of their Costs herein, and that the said
appellees, the Maxwell Land Grant and Railway
Company, Lucien B. Maxwell and Luis B. Max-
well, his wife, recover against the said ap-
pellants, Guadalupe Simpson, widow of the
late of Alfred Simpson, deceased, George Simp-
son their husband, and ~~[illegible]~~ Charles Bent, Julian Bent and
Alberto Ilas Bent, by George Bent, guardian ad litem and T. F. Ernest and W. S.
Simson their securities the said sum of
twenty four dollars and seventy five Cents
their Costs herein expended as taxed, and that Ex-
ecution issue therefor.

Opinion filed by Associate Justice Johnson.
Dissenting Opinion by Associate Justice Beaubien.

The Maxwell Land Grant and
Railway Company, appellees
vs. } Appeal from 2nd Judicial District
Guadalupe Simpson widow &c. } Before Hon. H. M.
et als appellants Beaubien

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And now come the said appellants, by their Counsel and move the Court to allow them an appeal from the decree rendered in this cause to the Supreme Court of the United States, which motion is granted. It is therefore ordered that such appeal be, and the same is hereby allowed.

Thirty first day January 31st 1874

Ordered that Court adjourn until nine o'
clock A. M. of Monday next.

J. G. Allen
Warren Bristol

Thirty second day Monday February 2d 1874

Court pursuant to adjournment

Present as on Saturday

The record of Saturday's proceedings was
read & approved.

It is Ordered that the following allowances
be made to officers of the Court, to wit.

Thomas B. Olson, U.S. Dist. Attorney		22 days	$ 110.00
Wm Nott	U.S. Marshal	22 days	110.00
Rufus J. Allen,	Clerk	22 days	110.00
Rufus J. Allen	Commissioner	22 days	110.00
Elias D. Lauer	Bailiff	2 days	4.00
James T. Marshall	Bailiff		
Julius Otis	Bailiff		
Elijah Rogers	Bailiff		
Charles M. Smith	Crier	22 days	44.00

Ordered that Charles M. Smith be allowed for
twenty two days attendance as Bailiff to be paid
by the Treasury $88.00

Ordered that Court adjourn sine die.

J. G. Allen
Warren Bristol

Held on Monday January 4th 1875

At a Regular Term of the Supreme Court of the District of New Mexico begun and held at the City of Santa Fe, in said District on the first Monday of January being the fourth day of January in the year One thousand eight hundred and seventy five.

Present

The Hon. Joseph G. Palen Chief Justice of said Court.

The Hon. Warren Bristol Associate Justice of said Court.

Thomas B. Catron Esq. United States District Attorney for said District by Thos. Smith Esq.

John Burtt Esq. United States Marshal for said District.

Rufus J. Palen Clerk of said Court.

Charles M. Conklin Sheriff of the County of Santa Fe,

The Grand Jury Empaneled and Sworn in this Court, to wit: Charles M. Conklin Foreman, Juan Bautista Valdez, Juan Jose Herrera, Jose Leandro Perea, Jose Manuel Gallegos, Jose Albino Gutierrez

Second day Sunday January 5th 1875.

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterdays proceedings read and approved.

Ordered that Court adjourn until eleven o'clock A.M. to-morrow morning.

J. G. Pelen
Warren Bartlett

Third day Wednesday January 6th 1875.

Court met pursuant to adjournment.

Present as on Yesterday.

The record of Yesterdays proceedings read and approved.

Edward Smith an Alien and Native of Ireland, appeared in open Court and made application to be naturalized under the laws of the United States, upon the proofs set forth in his sworn Petition presented to the Court and it appearing to the satisfaction of the Court from the depositions and evidence submitted by the petitioner that the said Edward Smith has been in the military service of the United States as an officer and soldier of the Regular Army three years, for more than two years and has been honorably discharged therefrom, and it also appearing by the testimony of Samuel Ellison and Francis Lamm wheel, citizens of the United States that the

Third day Wednesday January 6th 1875.

said Edward Nash has been a resident of the Union of New Mexico, for at least one year last past and that during all that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. Whereupon the said Edward Nash in open Court made solemn oath, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and forever all Allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to Victoria the Queen of the United Kingdom of Great Britain and Ireland whose subject he was. And thereupon it was Ordered by the Court that a Certificate of Naturalization be granted to the said Edward Nash, upon the payment of the Costs of this application.

Ordered that Court adjourn until Thirty O'Clock A. M. To-morrow.

J. G. Pelham
Marcus - Probate

Tenth day Thursday January 7th 1875.

Court met pursuant to adjournment.

Present as on yesterday and also Hon. Joseph Hugh S. Johnson Associate Justice

The record of yesterday's proceedings was read and approved.

On motion of Mr. Mead, on behalf of the United States Attorney, it is ordered that Henry A. Simpson of Texas be and he is hereby appointed United States Commissioner for the Eastern District of Texas.

The Baltimore & Ohio Railroad Co. for the use of William H. Griffin, Administrator de bonis non of the estate of Charles B. Mitchell, deceased, appellee. } Appeal from Circuit Court

73 } Motion to dismiss

George W. Beall, Abraham Hugh, Jose Manuel Gallegos & Sigismund Seligman and Emanuel L. Siegesberg, Executors, appellants. } C. J. Allen

Whereas, the supreme Court of the United States has sent to the Judges of this Court its Mandate, decreeing that the judgment rendered in this Court in this cause on the twenty eighth day of January in the year one thousand eight hundred and seventy one affirming the judgment of the Court below, rendered in this cause on the twenty second day of July in the year one thousand eight hundred and seventy two, this Court received in said Supreme Court of the United States with costs taxed in the sum of one hundred and seventy five

Thursday Sunday January 7th 1875.

Dollars and sixty eight cents; and demanding said cause to this Court with directions to dismiss the petition thereon in conformity to the judgment and opinion of said Supreme Court of the United States:

It is therefore considered and adjudged that the judgment of this Court affirming the decision of the District Court for the County of Lincoln in this cause be and the same is hereby reversed and it is further ordered that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the petition.

Eliza A. Edgar and James M. Edgar appellants. } Appeal from the Second Judicial District C. J. Allen.

vs.

Lavinia Bruce and Clemens Gallegos &

This cause coming on for argument on Saturday next. Ordered that Saml Edgarr and Elias O'Neil Esq. be notified.

J. D. Baker

Herbert S. Johnson Clerk

Fifth day Friday January 8th 1875

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved.

Benjamin Schuster heretofore
an Alien and Native of Prussia appeared in
Open Court and upon his solemn oath declared
that he first arrived in the United States on the
twenty eighth day of February A.D. 1856.
and that it is bona fide his intention to
become a citizen of the United States and to
renounce and abjure absolutely and entirely
all allegiance and fidelity to every foreign
Prince, Potentate, State or Sovereignty whatso-
ever, and particularly to William Emperor of
Germany whose subject he was, and it
appearing to the satisfaction of the Court from
the evidence of Louis Schmidlin and Ernest
Haek citizens of the United States, and from
his own oath that the said Benjamin Schuster
came to the United States three months before the
age of eighteen years. that for the five years
last past he has resided within the United States
and for the year last past within the County
of Mercer, that during all that time he
has behaved as a man of good moral
character, attached to the principles of the
Constitution of the United States and well disposed
to the good order and happiness of the same.
and thereupon the said Benjamin Schuster in
Open Court here made solemn oath, that he
will support the Constitution of the United
States, and that he doth absolutely and
entirely renounce and abjure all allegiance

Fifth day Friday January 8th 1875

and fifthly to Erm Foreign Service, Waterville, State of Oregon, witnesses, and particularly to William Engerer Clerk whose subject he was, and thereupon it was Ordered by the Court that a Certificate of Naturalization issue to the said Benjamin Schuster, upon the payment of the Costs of this Application.

Ordered that Court adjourn until Eleven O'Clock A.M. to-morrow.

J. B. Waters

Hazel L. Johnson

Wm. A. Bartlett

Sixth day, Saturday January 9th 1875.

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterday's proceedings was read and approved

Eliza A. Edgar and
James M. Edgar, Appellants
vs.
Lurina Bacon and
Thomas Gallegos
} Appeal from District Court Santa Ana County

This cause coming on to be heard upon the transcript of the record and was argued by Counsel and the argument being concluded, the Court being advised in the premises takes the same under

Sixth day Saturday January 5th 1895.

74 The United States of America } appeal
vs } First Judicial District
Andres Arnaches appellant. } C. J. Allen.

Now come the said appellee by their District Attorney, and exhibit to the Court here the transcript of the record in this cause, showing the allowance of an appeal herein to this Court, and also file herein the certificate of the Clerk of this Court showing that the said appellant has failed to file a transcript of the record in said docket said appeal in this Court and thereupon move the Court to docket said cause, dismiss the appeal and to remand the cause to the Court below from whence it came, with costs.

On consideration whereof it is ordered that this cause be placed upon the docket of this Court, and it is further ordered and adjudged that the appeal herein be, and the same is hereby dismissed with costs, and that the said appellee the United States of America recover of the said appellant Andres Arnaches, the sum of one hundred and fifty ~~one~~ dollars, their costs herein expended and ~~in~~ this Court, and execution issued, and on the Cognovit herein,

And it appearing from the appeal bond filed in said cause, that Pedro Arnaches and Jose Ramon Luigo, are sureties on the appeal bond of the said appellant. It is further ordered and adjudged that the said appellee the United States of America recover of the said appellant Andres Arnaches and Pedro Arnaches and Jose Ramon Luigo his securities the sum of One hundred and Eighteen 50/100 dollars, their costs herein expended and on the Cognovit as filed.

And it is further ordered that Whereas the said the said sum is hereby remanded to the United States District Court for the said

Sixth day Saturday January 9th 1875.

Judicial District of the County of Brindley ss
For Probate Session and Probate Proceedings
as according to Natl and Public and the
Laws of the United States to sit and be held by
said Court at Brindley aforesaid.

Ordered that Court Adjourn until
Eleven o'clock A.M. on Monday next.

J. G. Palen

Reuben S. Johnson,

Warren Bristol

Seventh day Monday January 11th 1875.

(Court met pursuant to adjournment.

Present as on Saturday.

The record of Saturday's proceedings was
read and approved.)

In the Matter of the Estate of Edgar
Edgar deceased

Eliza A. Edgar and
Emma M. Edgar appellants.

vs

Louisa Bacon and
Thomas Allegan

} Appeal
from Probate Court
Within and for said County.

The cause coming
on to be heard and submitted to the Court
on the Record, and Counsel
their Arguments and submitted the same
for their decision by Associate Justice Johnson, af-
ter examining the Record of the Court below and
the Briefs, and considering the Law of the

Sixth day Monday January 11th 1875

It is therefore Ordered Adjudged and decreed that the decree of the District Court for the County of Santa Ana rendered in this cause on the twenty second day of December A.D. 1875. be, and the same is hereby affirmed and that the said appellees Louisa Bixen and Hiram Gallegos recover of the said appellants Eliza A. Edgar and James M. Edgar the sum of Sixty [illegible] dollars (Heir costs herein by this Court in this behalf expended) and it appearing that the said John O. Bigue the defendant in the bill of said appellants. It is further Ordered and adjudged that the said appellees Louisa Bixen and Hiram Gallegos recover of the said Eliza A. Edgar and James M. Edgar and their sureties (one John O. Bigue their securities, the sum of Sixty [illegible] dollars. Their costs herein.

And it is further Ordered that this cause be, and the same is hereby remanded for the said District Court for execution.

Associate Justice Johnson being absent from the opinion for sickness.

Ordered that Court adjourn until nine o'clock A.M. to morrow

J. B. Salen
Hezekiah Johnson,
Warren Britton

Eighth day Monday January 12th 1875.

Court met pursuant to adjournment.

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

It is Ordered that hereafter and until otherwise Ordered the terms of the District Courts for the trial of causes arising under the Constitution and laws of the United States, in the several Judicial Districts of this Division, shall be held as follows, to wit:

In the First Judicial District Commencing on the first Monday of January and continuing in each and every year, and continued in session until and including the first Monday of March and August, respectively the business thereof shall be forthwith disposed of.

In the Second Judicial District. Commencing on the first Monday of June and September in each and every year, and continuing in session until the business thereof shall be disposed of, not exceeding three weeks and one day.

In the Third Judicial District Commencing on the second Monday after the fourth Monday of May and October in each and every year, and continuing in session until the business thereof shall be disposed of, not exceeding three weeks and one day.

And it is further Ordered that all orders, and process returnable at other and different dates, at which said terms have been respectively heretofore fixed, shall have the same force and effect, as if so made returnable at the dates specified herein.

Eighth day Tuesday January 12th 1875.

Court is further ordered that the Clerk of this Court transmit a certified copy of the proceeding this morning declaring the lines of Township the terms of Court, to the Clerk of the said Circuit Court.

Ordered that Court adjourn until Eleven o'clock A.M. to-morrow

J. G. Paten

Warren Bristol

Ninth day Wednesday January 13th 1875

Court met pursuant to adjournment.

Present as on yesterday except Justice Jno. W. Johnson.

The record of yesterdays proceedings was read and approved.

Ordered that Court adjourn until Eleven o'Clock A.M. to-morrow

J. G. Paten

Warren Bristol

Fifth day Monday January 18th 1875.

(Court met pursuant to adjournment.

Present as on Friday.

The record of Friday's proceedings read and confirmed.

Ordered that Court adjourn until Tuesday January 26th 1875

J. H. Bell

Warren Bristol

Eleventh day Tuesday January 26th 1875

(Court met pursuant to adjournment.

Present as on Monday January 18th.

The record of Monday's proceedings read and confirmed.

It is Ordered that the following rules regulating practice and the same are hereby adopted as additional rules of practice in the above district Court;

In attachments in this State, either in favor, or by the agent or attorney, against any person to be summoned as garnishee therein, at the time of leaving the writ, shall at or before the same time, then and there with the Clerk a request in writing that such person

Fifth day Friday January 26th 1875

(naming him.) be summoned as garnishee therein.

The Clerk thereupon endorsed thereon, shall be authorized and required to insert in the writ the name of such person, together with a requisition to the Sheriff to summon him as garnishee.

If at any time after issuing, and before the return of the writ, the plaintiff, either in person or by his agent or attorney, shall require any person other than the named in the writ to be summoned as garnishee, he shall sign and deliver to the Sheriff a requisition in writing, directing him to summon such person as garnishee in the writ. Such requisition shall be returned by the Sheriff, at the time of his return of the writ, and filed by the Clerk with the papers in the case.

In all cases where either the writ shall contain a requisition to summon garnishees, or the plaintiff shall deliver to the Sheriff a like requisition, as hereinbefore specified, or when the Sheriff, upon his own knowledge and without such requisition, is authorized by law to summon any person as garnishee in any such suit, it is thereupon made the duty of the Sheriff, and he is hereby required to endorse on the writ of attachment, or attachment under his hand, a summons directed to the garnishee or garnishees, which summons shall be substantially in the following form,

To A.-B.- and C.-D.- as garnishees:

You and each of you are

Thirtieth day Tuesday January 26th 1875.

hereby notified and required to be and appear before the Court named in the within writ of attachment, at the return term of such writ, and on the first day thereof, then and there personally to answer interrogatories as may be exhibited by the plaintiff named in such writ, touching any and all personal property, money, debts, credits, bonds, bills, notes, drafts, checks and other evidences of indebtedness, due or to become due from you or either of you, to the defendant named in such writ, or belonging to such defendant, and in your possession or charge, or under your control, or in the possession or charge, or under the control of either of you at the time of the service of such writ with this notice and summons, upon you respectively, or at any time afterwards and before the filing of your respective answers to such interrogatories:

And you are hereby further notified that the time and each and every part thereof, necessary to satisfy the demand of such plaintiff and costs, are attached, and that you and each of you, will be held liable thereto to such plaintiff, upon the order and judgment of the Court in the premises.

Dated this ___ day of

_____ 187-

E. H. —

Sheriff.

The writ of attachment with proceedings

Eleventh day Session January 26th 1875

Endorsed thereon or attached thereto, shall be served on each garnishee named therein, and returned by the Sheriff in the same manner as original process in civil actions is by law required to be served and returned; and the same served and returned, shall be deemed a compliance with the Statute in summoning garnishees in such suits, and notwithstanding.

In all cases when garnishees shall be summoned in such suits, the plaintiff shall be required to exhibit and file his interrogatories, on or before the second day of the term at which the writ is returnable, unless the Court upon cause shown, shall grant further time therefor: and in default thereof, within the time specified by this rule, or such further time as shall be granted by the Court, the garnishee proceedings shall be dismissed at plaintiff's costs.

Each garnishee duly summoned, shall be required to file his answer to the interrogatories, on or before the second day of the term after the exhibiting and filing such interrogatories, unless the Court shall grant further time to answer, upon cause shown; and upon failure thereof, within the time fixed by this rule, or such further time therefor, as shall be granted by the Court, he shall be proceeded against as upon default

A like practice shall prevail in garnishee proceedings upon Executions, with such omissions and additions as may be applicable thereto.

Eleventh day Tuesday January 26th 1875.

It is Ordered that Rule Thirteen of the Rules of Practice for the District Courts of the Session in Equity cases be and the same is hereby amended so as to read as follows to wit

Rule 13.

The service of all process, mesne and final, shall be by the Marshal of the District or his deputy, or by the Sheriff or his deputy of any County in which the Defendant may be found, or by some other person especially appointed by the Court for that purpose, and not otherwise. In the latter case the person serving the process shall make affidavit thereof.

It is further Ordered that the Clerk transmit certified copies of the foregoing rules and amendments filed in the Clerks of the several District Courts with directions to enter the same of record.

And it is further Ordered that the Clerk cause to be printed, all the rules of practice adopted by this Court, since the January Term thereof, One thousand eight hundred and seventy two, and all amendments to the Rules adopted at said term, since made, and to distribute such printed rules and amendments to the proper officers of the several District Courts, and to the members of the bar thereof.

And that this Court adjourn until Eleven o'clock, A.M. to-morrow.

J. G. Palen

Clerk

Friday day Wednesday January 27th 1875

Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

Ordered that Court adjourn until Eleven o'clock A. M. on Saturday next.

J. G. Baker

Warren Bristol

Saturday day Saturday January 30th 1875

Court met pursuant to adjournment.

Present as on Wednesday.

The record of Wednesdays proceedings was read and approved.

Ordered that Court adjourn sine die ten o'clock A. M. on Monday next.

J. G. Baker

Warren Bristol

Tuesday the Ninth day, January A.D. 1875.

(Court met pursuant to adjournment.
Present as on Saturday.)

The record of Saturday's proceedings was read and approved.

It is ordered that the following persons be and are hereby appointed Constables of the County, to wit:

Thomas Cox,	Town U.S. District Attorney	Wages $ 70.00
John Watt,	U.S. Marshal,	" 70.00
Russell Allen,	Clerk,	" 70.00
Rufus J. Allen,	Interpreter Indians	" 70.00
Manuel Otero	Bailiff	" 28.00
Diego Tafoya	"	" 28.00
Hugo Tafoya,	"	" 28.00
Charles M. Smith	Crier	" 28.00

Ordered that Charles M. Smith Sheriff of the County of Santa Fe, be and he is hereby allowed as Sheriff Interpreter the sum of Sixty dollars.

Mills Matter & Child,
Attorneys at Law.

Comes the said Attorneys and moves the Court to set aside the Order heretofore made in this cause upon the docket of this Court

Continued from Monday, August 24th 1875

Ordered that Court now adjourn

J. F. Chaves

Warren Bristol

In Vacation Monday August 23 1875.

The United States District Attorney, acting under Instructions of the Attorney General of the United States, having thereto fore moved that the Clerk of this Court Execute a new official Bond; Now comes the said Clerk and presents this Bond which is in the words and figures, following, to wit: -

Know all Men by these presents that we, Rufus J. Palen, William H. Griffin and Samuel S. Wheelock, all of the Town of Santa Fé, in the Territory of New Mexico are held and firmly bound unto the United States of America in the sum of Ten Thousand dollars, lawful money of the said United States, to be paid to the said United States; for which payment, well and truly to be made, we bind us and each of us, our heirs, Executors, and administrators, jointly and severally, firmly by these presents. Signed with our hands and sealed with our Seals this Thirty first day of July 1875.

The Condition of the above obligation is such, Whereas, pursuant to law, Rufus J. Palen has been appointed Clerk of the Supreme Court of the Territory of New Mexico, to have and to hold the said office with all the rights

In Vacation Monday August 2d 1875.

Privileges, and Emoluments thereunto lawfully appertaining, as by our appointment to him bearing date the Thirty first day of July 1875.

Now, if the said Rufus J. Palen shall herself and by his deputies shall faithfully discharge the duties of his office and shall reasonably record the decrees, judgments and determinations of the said Court and properly account for all moneys coming into his hands as required by law, then this obligation to be void, otherwise to remain in full force and virtue.

Rufus J. Palen (Seal)
William H. Griffin (Seal)
Samuel B. Wheelock (Seal)

Signed, Sealed and delivered in presence of
Cornelius Calgrove as to signatures of Griffin & Wheelock
Joseph G. Palen as to all three signatures
L. H. Conway as to signature of Rufus J. Palen

Territory of New Mexico
County of Santa Fe } ss

William H. Griffin one of the persons in the annexed bond named, being duly sworn deposes and says that he is worth, after paying any just debts, the sum of Five thousand Dollars, Exclusive of property exempt from Execution by the laws of the Territory in which he resides.

William H. Griffin

Subscribed and sworn to before me, this 2d day of August A. D. 1875.

J. G. Palen, Chief Justice
of the Supreme Court of New Mexico.

County of Santa Fe } ss
Territory of New Mexico }

Samuel B. Wheelock

In Vacation Monday August 2d 1875.

Owen of the sureties on the annexed Bond, being duly sworn, deposes and say that I am worth after paying my just debts, the sum of Five thousand dollars, Exclusive of property Exempt from Execution by the laws of the Territory in which I reside.

Samuel B. Wheelock

Subscribed and sworn to before me this 2d day of August A. D. 1875.

J. G. Palen. Chief Justice
Supreme Court of New Mexico

I certify that the sureties in the foregoing Bond are sufficient for the penalty thereof.

J. G. Palen. Chief Justice
Supreme Court of
New Mexico.

93rd Day of Monday January 3d 1876.

At a Regular Term of the Supreme Court of the Territory of New Mexico, begun and held at the City of Santa Fe in said Territory, on the first Monday of January being the Third day of January in the year one thousand Eight Hundred and Seventy six:

Present.

Hon. Wesley H. Kinney Associate Justice & Chief Justice.

Hon. Samuel Bristol Associate Justice of said Court.

Thomas B. Catron Esq. United States District Attorney for said Territory.

Geo. W. Hill Esq. United States Marshal for said Territory.

Arthur J. Allen Clerk of said Court.

Charles M. Conklin Esq. Sheriff of the County of Santa Fe.

Whereupon the Associate Justice Presiding here announces the death since the last term of said Court of the Hon. Joseph G. Palen late Chief Justice of the said Court and in memory of William Breeden Esq. late Associate Justice thereof, His Honor Samuel B. Axtell, William Breeden, Warren M. Sloan Esq. Grand Jurors and Joseph G. Palen, Esq. Petit Jurors duly empanelled and sworn appointed a Committee of the Bar to prepare and present to the Court appropriate resolutions, Expressive of the feelings of the Court and Bar at the death of Chief Justice Palen, and in like manner His Honor Associate Justice Breeden and of the late Chief Justice Palen.

First Day Monday January 3d 1876.

Court met pursuant to adjournment
A.M. present

Second Day Tuesday January 4th 1876

Court met pursuant to adjournment

Present as on yesterday no new William Burton
Esq Attorney Entered for the Crown &
Patrick Mee present on yesterday, no
new indictment omitted from the record
Sentence ordered thereto and entered nunc
pro tunc

On motion of Wm. S. Hudson &
on Affidavit, this Court doth order
that William C. Mazerine a prisoner in
the Gaol of Kent for Horse Stealing
this Sitting be and he is hereby admitted
to practice as an Attorney and Counsellor
at this Court and that he have
Leave to withdraw

78 William Wise Captain of Queens Militia
vs
Edward F. Wise
Appellant

On motion of Wm. S. Hudson &
on Affidavit this Court doth order
that William C. Mazerine a prisoner in
the Gaol of Kent for Horse Stealing
this Sitting be and he is hereby admitted
to practice as an Attorney and Counsellor
at this Court and that he have Leave to

Second Day, Monday January 4th 1876.

Court met pursuant to adjournment at 10 o'clock A.M. In person.

Present. S. Johnson, Chief Justice.

Third Day Wednesday January 5th 1876.

Court met pursuant to adjournment.

Present as yesterday.

The record of yesterdays proceedings was read and approved.

The Committee of the Bar appointed at a former day of this term to prepare resolutions in memory of the decease of the Court and Bar of the Hon. Chief Justice Dillon, now present their resolutions through A. J. Simpson Esq. Chairman which were read and ordered to be entered of record, and the Clerk directed to furnish a duly certified copy of the same to the family of the deceased Chief Justice.

And thereupon on the motion of James M. Tierney,

Whereas it has pleased the Supreme Judge and Ruler of the Universe to remove from earth the Hon. Joseph G. Dillon late Chief Justice of the Supreme Court of the Territory of Utah Who died at Salt Lake City on Tuesday November 30th 1875 in the 76th year of his age and

Third Day Wednesday January 5th 16

faculties at the time of his untimely removal for good and in the midst of his usefulness and Fame. We the Judges, Officers and members of the bar of said Court over whose deliberations the late Chief Justice for more than six years presided with distinguished ability, dignity, justice and Courtesy have met to testify our high appreciation of his qualities as a man and as a judge and our sorrow at his death and to pay our tribute of respect to his memory. Therefore:

Resolved: That, while bowing with submission to the will of Providence we deplore the decree that removed him from us and made vacant the high position which he filled with such eminent ability, and distinguished usefulness.

Resolved: That we deeply sympathize with the great loss sustained by this Court, by the members of this bar, and by the people of New Mexico in the death of the late Chief Justice. That, we ask that his good deeds live a lasting and abiding memory to those who knew him, and that his example and pure virtues may be followed by those who survive him, and that we will wear the usual badge of mourning during the term.

Third Day Wednesday January 5th 1876

Resolved, That the Judiciary mourn the loss we have sustained and tender to the widow and friends of the deceased our sincere sympathy.

Resolved; That the Court be requested to cause these proceedings to be spread upon the record and that the Clerk procure a certified Copy thereof, to the family of the deceased.

R. H. Tompkins, W. B. Cotton.
Wm Greer, Henry L. Woods.
J. C. Hile, Committee

On Motion of Mr Tompkins - It is ordered that Court do now adjourn out of respect to the memory of the late Chief Justice, until ten o'clock tomorrow morning.

Hezekiah S. Johnson
Chief Justice

Nevada City, March 6th 1876.

On motion of the writing is
ever the Defendants counsel, Leis Wa-
ed that the same for him may leave
be the same, in his counsel and the same
is therein stricken out.

Court
then adjourned until ten o'clock tomorrow

Hezekiah S. Johnson,
Clerk.

Fifth Day, Friday January 7th 1876.

Court met pursuant to adjournment

Present as before.

The record of the proceedings of
the last day read.

On motion of Adams
C. Tum Esq. admitted to practice
Court Leis Creed Esq. Dan Mc Ewen
Esq. a member of the Nevada Bar
Assoc. out of the same, admitted to
in is Deeds admitted in practice in the
ren and Commissioner of this Court, and has
the will hereunto Esq. Esq. Esq.
and Notary Public of said County, and
Commissioner appointed by the Court, viz:

Allen Weddell

78 William B. Adams

Agnes M. Wedell
Notary Public

Pour Dan Sidon Cohanzaf le 18

Serment au Grand Rabbin

Rabbin Cohanzaf le 18

Rezek S. Rotman

Rabbin

Pour Dan Sidon Cohanzaf le 8 11 1896.

Cour pour prendre le serment

Vu et ordonné

Que Cohanzaf se rendra pour être
reçu Rabbi ajouté

Pour Dan Sidon le Cohanzaf } Rabbi Cohanzaf

Cour pour prendre le serment,
qui a été fait et prêté de la manière
suivante. Moi Cohanzaf Rabbi
Dan Sidon Cohanzaf le serment
Rabbi en Dieu un Dieu, unique
Dieu, et sur la Torah, sur
les Prophètes et sur les Hagiographes
tels qu'ils sont écrits,

Cohanzaf Rabbi

Rezek S. Rotman
Rabbin

428

Eastern District } ss. January 10th 1896.

Then and there personally appeared

before me the undersigned,

the above named Plaintiff and Defendant,

and the Plaintiff in the above entitled proceedings and

and the Defendant,

the Plaintiff in the above entitled action, and

the Defendant in the above entitled action,

} the Plaintiff and Defendant in the above entitled actions respectively, who are personally known to me to be the same persons described in and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

} Given under my hand and official seal this day and year last above written.

Notary Public.

Eighth Day Monday January 11th 1876.

Court met pursuant to adjournment.

Present as on previous days.

The record of proceedings on said day read and approved.

78 Morris St. Mich. } vs. Same.
Simon St. Mich. } Def. Mch. Ct.

On his own motion and by consent of the parties in said cause on the hands of Commissioner, in reference in said cause, to whom the same is referred to report to the Court.

79 Morris St. Mich. } Affirmed from Superior Court of Detroit.
Solomon Solomon, Appellant.

On his own motion and by consent of the parties in said cause, it is ordered that the same be submitted to the Court for decision upon the proofs taken in said cause and the arguments of counsel.

On motion of Mr. Atwell, Mr. Adams and Mr. Gray

430

Elmira, Tuesday, January 11th 1876.

Pursuant to adjournment the Board of Supervisors met in the Court House, the members present being all in their seats and the proceedings of the last session were read and approved.

Moved that the Board proceed to the election of a Superintendent of the Poor.

Moved that the Board proceed to the election of a Superintendent of the Poor.

Moved that the Board proceed to the election of a Superintendent of the Poor

Circuit Court Wednesday January 12th 1876.

Ordered and adjudged that the judgment of the district Court of Logan rendered in this cause on the Eighth day of September A.D. 1875 be and the same is hereby affirmed and that the said appellee Abram P. Wells recover of the said appellant William H. Morris the sum of _____ dollars, his cost in this Court expended as well, and that execution issue therefor.

And it appearing from the record and files in this cause that Thomas Symmes is deceased prior the said appeal and that Thomas Symmes the decedent was a resident of Logan County Illinois and that the said appellee Abram P. Wells has instituted proceedings and procured letters of administration on the estate of the said Thomas Symmes deceased from the County Court of Logan County Illinois and that Thomas Symmes the administrator of the said Thomas Symmes deceased has been duly appointed and qualified by the County Court of Logan County Illinois and has entered his appearance in this Court as such administrator and has filed in this Court a stipulation signed by him as such administrator and by the attorneys of record of the said appellee Abram P. Wells and the said appellant William H. Morris that this cause may be submitted to this Court for decision upon the transcript of the record and the briefs of counsel for the respective parties.

60 Abram P. Wells
vs. Appeal from Logan
William H. Morris Circuit Court

Utah Territory Probate Court January 12th 1876.

This cause coming on to be heard upon the petition of the heirs and relatives of Hannah M. Thomas deceased for the Distribution of Estate, and it appearing to the Court by the testimony taken and the statement of counsel that the said deceased died intestate seized and possessed of certain real estate and personal property in this County and Territory, and that the said deceased left surviving her as her only heirs at law and next of kin the following named persons, to wit:

Hannah Thomas
William Thomas
Edward Thomas
Elizabeth Thomas
Mary Thomas
Sarah Thomas
Ann Thomas
Margaret Thomas
Jane Thomas
Joseph Thomas
Ellen Thomas
Rachel Thomas
Ruth Thomas
Benjamin Thomas
Rebecca Thomas
Jacob Thomas
Rosanna Thomas
Lydia Thomas
Ephraim Thomas
Samuel Thomas
Thomas Thomas
Hannah Thomas
Elizabeth Thomas
Mary Thomas
Sarah Thomas
Ann Thomas
Margaret Thomas
Jane Thomas
Joseph Thomas
Ellen Thomas
Rachel Thomas
Ruth Thomas
Benjamin Thomas
Rebecca Thomas
Jacob Thomas
Rosanna Thomas
Lydia Thomas
Ephraim Thomas
Samuel Thomas
Thomas Thomas

and that the said deceased left no husband, father, mother, brother, sister, child or children, or descendant of a child or children, and no husband, father, mother, brother or sister living at the time of her decease, and that the said deceased was the owner of, and entitled to the following described real estate, situate, lying and being in Salt Lake County, Utah Territory, to wit:

Lot No. Seven (7) in Block No. Fifty (50) in Plat "A" Salt Lake City Survey.

Also the following described real estate, situate, lying and being in Salt Lake County, Utah Territory, to wit:

Lot No. Seven (7) in Block No. Fifty (50) in Plat "A" Salt Lake City Survey.

And it appearing to the Court that the said deceased died seized and possessed of the said real estate, and that the said heirs at law and next of kin are entitled to the distribution thereof, and that there is no will of the said deceased, and no debts against the said

Final Decision Entered Sept 14 1895.

Whereas on the transcript of the record in this cause, showing the abstract of appeal in this Court from the judgment of the Court below in the cause, and upon the petition of the Appellants praying to file a transcript of the record and to docket the cause in this Court, and thereupon it was ordered that the petition be granted and the transcript filed, and the cause docketed upon the record and upon the judgment of the Court below, and the Appellants having filed their assignments of error, and the cause having been submitted for the consideration of the Court upon the transcript of the record and the arguments of counsel, and the Court having duly considered the same, and being sufficiently advised in the premises, it is considered by the Court that there is no error in the judgment of the Court below, and that the same be affirmed with costs.

And it appearing from the petition of the said Appellants filed in this cause, that they are desirous of prosecuting an appeal and suspending the execution of the judgment of the Court below, and that they have given bond with sufficient security for the payment of the costs of appeal, and for the payment of the judgment, interest and costs in case the judgment shall be affirmed by this Court, and have prayed that a supersedeas may be awarded, and it appearing to the Court that the bond is sufficient in amount and security, and that the petition for supersedeas should be granted, it is ordered that a supersedeas be awarded, and that upon the execution of the bond

Mch Dec Circuit Court 19th 1876.

The Court appointed Wm Jones, Wm Bond
& Wm Reed appraisers to assess damages
in said appeal cases & they reported
said damages at the sum of Eleven
& one half Dollars in favor of Wm Bond
& Eleven Dollars in favor of Wm Jones
& Eleven Dollars in favor of Wm Reed
& the Court having approved said report
& assessment of damages, it is ordered
& adjudged by the Court that the
Plaintiffs in said appeal cases do have
& recover of & from the Defendants
in said appeal cases the said several
sums of Eleven Dollars & one half
Dollar, their costs by them in this
behalf expended, and have execution
therefor.

And it is further ordered & adjudged by the Court
that the appeal in these cases be dismissed at the
Plaintiffs costs, for want of prosecution.

79 William Jones
vs.
Samuel Wilson
Appeal

This cause coming on to be heard upon the demurrer of the appellee to the appellants bill of complaint, & the same being argued by Counsel, on consideration whereof the Court is of opinion that the said demurrer ought to be sustained, it is therefore ordered & adjudged by the Court that the said demurrer be & the same is hereby sustained, & the bill of complaint dismissed at the costs of the appellant.

Ordered that Mr. Johnson mail the opinion of the Court to the counsel of the parties.

Hezekiah S. Johnson,
Presiding Judge

Euxmin. Nov. Friday January 14th 1806

(Court met pursuant to adjournment

Present as on yesterday.

The record of yesterdays proceedings was read and approved.

Mariano de Jesus Vicente } Enoch in Fact
vs. } Judicial Dismissed
Simon de Dios Zuñiga } with costs.
} Plts Cause

Plaintiff having moved and submitted, and taken rule for judgment by the Court on a Commission of the term, the Court having fully heard & considered the premises, pronounced its decision in Open Court affirming the judgment of the Court below, Chief Justice Zuñiga dissenting. It is therefore Ordered and adjudged that the judgment of the District Court in this Cause on the fifteenth day of April A.D. 1805, be and the same is hereby affirmed, and that the Plaintiff in Error pay the costs of Suit in this Court incurred and that Execute issue therefor.

And it is further Ordered that the Cause be remitted to the District Court for the Department of Nuevo Santander for Execution.

Ordered that Court
adjourn until Court in course.

State of Ohio, Hardin } January 14th 1876.

Before me, Peter Rezek, a Justice of the Peace in and for said County,

Personally came Frederick Miller and Thomas Coleman

who being duly sworn according to law, depose and say that they are acquainted with Christian Gross, the defendant named in the foregoing affidavit, and that the statements therein contained are true, to the best of their knowledge and belief.

Subscribed and sworn to before me this 14th day of January A.D. 1876.

Peter Rezek
Justice of the Peace.

80 Christian Gross } Before Peter Rezek, Justice of the Peace in and for said County.
vs.
Frederick Miller and Thomas Coleman } Transcript of Docket.

Be it remembered that on the 14th day of January A.D. 1876 the plaintiff filed his affidavit for an attachment against the property of the defendant, and that thereupon a writ of attachment was issued by me, directed to the Sheriff of said County, commanding him to attach the goods, chattels, moneys and effects of the said defendant within his said County, or so much thereof as may be sufficient to satisfy the plaintiff's demand, amounting to the sum of Eighty dollars, and that he summon the said defendant to be and appear before me on the 24th day of January A.D. 1876 at 9 o'clock A.M. of said day, at my office in Dunkirk in said County, then and there to answer the complaint of the plaintiff; and that he return this writ with his proceedings thereon, on the said 24th day of January A.D. 1876 at 9 o'clock A.M. of said day.

Mr. Jas. Sandeman, Lerwick 14th Nov. 1856.

Dear Sir,

I have your favour of the 6th current and shall execute your orders.

The Fish you ordered shall be cured as well as we can, and shall be sent to you in Smacks as opportunities occur, but we cannot undertake to promise any particular time for sending them, as we have no regular communication with Leith.

Yours faithfully
James Sandeman & Sons.

Geo. Low Esq.
Clestrain
Orkney

Dear Sir,

I have received your favour of the 6th current, and shall execute your orders as early as possible — Long, we must be aware is a very indefinite term.

I am

Dear Sir

Yours truly
James Sandeman & Sons.

Geo. Low Esq.
Clestrain
Orkney

Ling,	Lerwick, 12 Cwt.	£6.
Cod,	Split & Salted, "	6'0.
Tusk,	Split, "	6'0.
Saithe or Coalfish,	"	2'4
Haddock,	"	2'4

Cures for Condition. Cash.

Geo. Low Esq.
Clestrain
Orkney

Wednesday morning January 17th 1894

Mrs. Reed died between 2 & 3 o'clock this morning after a confinement of three days. Interred by the Rev. Mr. Hall.

26 Mr. Mrs. Mitchell } absent 3 Sund. dec. fr. Miss Cria fr.
Mr. Mrs. Mitchell } Mon. Dec. 11 fr. Mon. Dec. 18 fr. Mon. Jan. 1 fr. Mon. Jan. 8 fr. Mon. Jan. 15 fr. Mon. Jan. 22 fr. Mon. Jan. 29 fr. Mon. Feb. 5 fr. Mon. Feb. 12 fr. Mon. Feb. 19 fr. Mon. Feb. 26 fr. Mon. Mar. 5 fr. Mon. Mar. 12 fr. Mon. Mar. 19 fr. Mon. Mar. 26 fr. Mon. Apr. 2 fr. Mon. Apr. 9 fr. Mon. Apr. 16 fr. Mon. Apr. 23 fr. Mon. Apr. 30 fr. Mon. May 7 fr. Mon. May 14 fr. Mon. May 21 fr. Mon. May 28 fr. Mon. June 4 fr. Mon. June 11 fr. Mon. June 18 fr. Mon. June 25 fr. Mon. July 2 fr. Mon. July 9 fr. Mon. July 16 fr. Mon. July 23 fr. Mon. July 30 fr. Mon. Aug. 6 fr. Mon. Aug. 13 fr. Mon. Aug. 20 fr. Mon. Aug. 27 fr. Mon. Sept. 3 fr. Mon. Sept. 10 fr. Mon. Sept. 17 fr. Mon. Sept. 24 fr. Mon. Oct. 1 fr. Mon. Oct. 8 fr. Mon. Oct. 15 fr. Mon. Oct. 22 fr. Mon. Oct. 29 fr. Mon. Nov. 5 fr. Mon. Nov. 12 fr. Mon. Nov. 19 fr. Mon. Nov. 26 fr. Mon. Dec. 3 fr. Mon. Dec. 10 fr. Mon. Dec. 17 fr. Mon. Dec. 24 fr. Mon. Dec. 31 fr. Mon. Jan. 7 fr. Mon. Jan. 14 fr. Mon. Jan. 21 fr. Mon. Jan. 28 fr. Mon. Feb. 4 fr. Mon. Feb. 11 fr. Mon. Feb. 18 fr. Mon. Feb. 25 fr. Mon. Mar. 4 fr. Mon. Mar. 11 fr. Mon. Mar. 18 fr. Mon. Mar. 25 fr. Mon. Apr. 1 fr. Mon. Apr. 8 fr. Mon. Apr. 15 fr. Mon. Apr. 22 fr. Mon. Apr. 29 fr. Mon. May 6 fr. Mon. May 13 fr. Mon. May 20 fr. Mon. May 27 fr. Mon. June 3 fr. Mon. June 10 fr. Mon. June 17 fr. Mon. June 24 fr. Mon. July 1 fr. Mon. July 8 fr. Mon. July 15 fr. Mon. July 22 fr. Mon. July 29 fr. Mon. Aug. 5 fr. Mon. Aug. 12 fr. Mon. Aug. 19 fr. Mon. Aug. 26 fr. Mon. Sept. 2 fr. Mon. Sept. 9 fr. Mon. Sept. 16 fr. Mon. Sept. 23 fr. Mon. Sept. 30 fr. Mon. Oct. 7 fr. Mon. Oct. 14 fr. Mon. Oct. 21 fr. Mon. Oct. 28 fr. Mon. Nov. 4 fr. Mon. Nov. 11 fr. Mon. Nov. 18 fr. Mon. Nov. 25 fr. Mon. Dec. 2 fr. Mon. Dec. 9 fr. Mon. Dec. 16 fr. Mon. Dec. 23 fr. Mon. Dec. 30 fr. Mon. Jan. 6 fr. Mon. Jan. 13 fr. Mon. Jan. 20 fr. Mon. Jan. 27 fr. Mon. Feb. 3 fr. Mon. Feb. 10 fr. Mon. Feb. 17 fr. Mon. Feb. 24 fr. Mon. Mar. 3 fr. Mon. Mar. 10 fr. Mon. Mar. 17 fr. Mon. Mar. 24 fr. Mon. Mar. 31 fr. Mon. Apr. 7 fr. Mon. Apr. 14 fr. Mon. Apr. 21 fr. Mon. Apr. 28 fr. Mon. May 5 fr. Mon. May 12 fr. Mon. May 19 fr. Mon. May 26 fr. Mon. June 2 fr. Mon. June 9 fr. Mon. June 16 fr. Mon. June 23 fr. Mon. June 30 fr. Mon. July 7 fr. Mon. July 14 fr. Mon. July 21 fr. Mon. July 28 fr. Mon. Aug. 4 fr. Mon. Aug. 11 fr. Mon. Aug. 18 fr. Mon. Aug. 25 fr. Mon. Sept. 1 fr. Mon. Sept. 8 fr. Mon. Sept. 15 fr. Mon. Sept. 22 fr. Mon. Sept. 29 fr. Mon. Oct. 6 fr. Mon. Oct. 13 fr. Mon. Oct. 20 fr. Mon. Oct. 27 fr. Mon. Nov. 3 fr. Mon. Nov. 10 fr. Mon. Nov. 17 fr. Mon. Nov. 24 fr. Mon. Dec. 1 fr. Mon. Dec. 8 fr. Mon. Dec. 15 fr. Mon. Dec. 22 fr. Mon. Dec. 29 fr. Mon. Jan. 5 fr. Mon. Jan. 12 fr. Mon. Jan. 19 fr. Mon. Jan. 26 fr. Mon. Feb. 2 fr. Mon. Feb. 9 fr. Mon. Feb. 16 fr. Mon. Feb. 23 fr. Mon. Mar. 2 fr. Mon. Mar. 9 fr. Mon. Mar. 16 fr. Mon. Mar. 23 fr. Mon. Mar. 30 fr. Mon. Apr. 6 fr. Mon. Apr. 13 fr. Mon. Apr. 20 fr. Mon. Apr. 27 fr. Mon. May 4 fr. Mon. May 11 fr. Mon. May 18 fr. Mon. May 25 fr. Mon. June 1 fr. Mon. June 8 fr. Mon. June 15 fr. Mon. June 22 fr. Mon. June 29 fr. Mon. July 6 fr. Mon. July 13 fr. Mon. July 20 fr. Mon. July 27 fr. Mon. Aug. 3 fr. Mon. Aug. 10 fr. Mon. Aug. 17 fr. Mon. Aug. 24 fr. Mon. Aug. 31 fr. Mon. Sept. 7 fr. Mon. Sept. 14 fr. Mon. Sept. 21 fr. Mon. Sept. 28 fr. Mon. Oct. 5 fr. Mon. Oct. 12 fr. Mon. Oct. 19 fr. Mon. Oct. 26 fr. Mon. Nov. 2 fr. Mon. Nov. 9 fr. Mon. Nov. 16 fr. Mon. Nov. 23 fr. Mon. Nov. 30 fr. Mon. Dec. 7 fr. Mon. Dec. 14 fr. Mon. Dec. 21 fr. Mon. Dec. 28 fr. Mon. Jan. 4 fr. Mon. Jan. 11 fr. Mon. Jan. 18 fr. Mon. Jan. 25 fr. Mon. Feb. 1 fr. Mon. Feb. 8 fr. Mon. Feb. 15 fr. Mon. Feb. 22 fr. Mon. Mar. 1 fr. Mon. Mar. 8 fr. Mon. Mar. 15 fr. Mon. Mar. 22 fr. Mon. Mar. 29 fr. Mon. Apr. 5 fr. Mon. Apr. 12 fr. Mon. Apr. 19 fr. Mon. Apr. 26 fr. Mon. May 3 fr. Mon. May 10 fr. Mon. May 17 fr. Mon. May 24 fr. Mon. May 31 fr. Mon. June 7 fr. Mon. June 14 fr. Mon. June 21 fr. Mon. June 28 fr. Mon. July 5 fr. 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Aug. 29 fr. Mon. Sept. 5 fr. Mon. Sept. 12 fr. Mon. Sept. 19 fr. Mon. Sept. 26 fr. Mon. Oct. 3 fr. Mon. Oct. 10 fr. Mon. Oct. 17 fr. Mon. Oct. 24 fr. Mon. Oct. 31 fr. Mon. Nov. 7 fr. Mon. Nov. 14 fr. Mon. Nov. 21 fr. Mon. Nov. 28 fr. Mon. Dec. 5 fr. Mon. Dec. 12 fr. Mon. Dec. 19 fr. Mon. Dec. 26 fr. Mon. Jan. 2 fr. Mon. Jan. 9 fr. Mon. Jan. 16 fr. Mon. Jan. 23 fr. Mon. Jan. 30 fr. Mon. Feb. 6 fr. Mon. Feb. 13 fr. Mon. Feb. 20 fr. Mon. Feb. 27 fr. Mon. Mar. 6 fr. Mon. Mar. 13 fr. Mon. Mar. 20 fr. Mon. Mar. 27 fr. Mon. Apr. 3 fr. Mon. Apr. 10 fr. Mon. Apr. 17 fr. Mon. Apr. 24 fr. Mon. May 1 fr. Mon. May 8 fr. Mon. May 15 fr. Mon. May 22 fr. Mon. May 29 fr. Mon. June 5 fr. Mon. June 12 fr. Mon. June 19 fr. Mon. June 26 fr. Mon. July 3 fr. Mon. July 10 fr. Mon. July 17 fr. Mon. July 24 fr. Mon. July 31 fr. Mon. Aug. 7 fr. Mon. Aug. 14 fr. Mon. Aug. 21 fr. Mon. Aug. 28 fr. Mon. Sept. 4 fr. Mon. Sept. 11 fr. Mon. Sept. 18 fr. Mon. Sept. 25 fr. Mon. Oct. 2 fr. Mon. Oct. 9 fr. Mon. Oct. 16 fr. Mon. Oct. 23 fr. Mon. Oct. 30 fr. Mon. Nov. 6 fr. Mon. Nov. 13 fr. Mon. Nov. 20 fr. Mon. Nov. 27 fr. Mon. Dec. 4 fr. Mon. Dec. 11 fr. Mon. Dec. 18 fr. Mon. Dec. 25

In the Name of God Amen I [illegible] 1896,

I Richard of the Parish of Ewen, and the County of the Master Mariner, Unmarried, mindful of the uncertainty of this mortal life and being of sound mind, memory and understanding, but knowing that it is appointed unto all men once to die, do make and publish this my last Will and Testament in manner following, that is to say, First I commend my soul into the hands of God my Creator, hoping through the merits of Jesus Christ my Saviour to receive full pardon and forgiveness of all my sins, and my body I commit to the earth or sea to be buried in such manner as my Executor hereinafter named shall think fit, and as touching such worldly estate wherewith it hath pleased God to bless me in this life I give, devise and bequeath the same in manner following, that is to say,

I give and bequeath unto my dear wife Ann Jane Richards all my household furniture, plate, linen, china, glass, books, pictures, wines, liquors, horses, carriages, harness, live and dead stock and all other effects of which I may die possessed (except such as are hereinafter specifically given away) and I also give and bequeath unto my said wife Ann Jane Richards the sum of [illegible] pounds now standing in my name in the books of the [illegible] Bank Limited, Ewen Branch, and also

1st Day. Monday January 1st A.D. 97.

At a Regular Term of the Supreme Court of the Territory of New Mexico. holden and held at the City of Santa Fe. in said County, on the first Monday of January. being the first day of January. in the year One thousand Eight hundred and Seventy-seven.

Present

Hon. Henry L. Waldo. Chief Justice of said Court.

Thomas B. Catron Esq. District Attorney for said Territory

Hon. William Breeden. Attorney General for said Territory

Colin E. Sherman Esq. Elected Marshal for said Territory.

Martin Quintana. Sheriff of the County of Santa Fe.

Colin A Pierson. of the City and County of Santa Fe. is hereby appointed Clerk of the Supreme Court of the Territory of New Mexico; subject to the concurrence of the Associate Justices of said Court. the Rules & Laws required. and is required to execute a bond to the United States of America. with sufficient sureties. in the penal sum of Ten Thousand Dollars. conditioned for the faithful performance of his duties as such Clerk.

Ordered that the official seal and seal of Colin A Pierson. Clerk of this Court. be entered of record.

United States of America
Territory of New Mexico
County of Santa Fe } I.

1st Day - Monday January 1st A.D. 1877.

I John H Thornton. having been appointed Clerk of the Supreme Court of the Territory of New Mexico. do solemnly swear that I will support and defend the Constitution of the United States. against all enemies. foreign or domestic. that I will bear true faith and allegiance to the same. that I take this obligation freely without any mental reservation. or purpose of evasion. And I do further solemnly swear that I will well and faithfully discharge all the duties of my said office. to the best of my ability and understanding. So help me God.

John H. Thornton

Subscribed and Sworn to before me this 1st day of January A.D. 1877.

(signed) Henry L. Waldo.
Chief Justice of the Supreme Court of the Territory of New Mexico

There being no quorum present. it is ordered that Court do now adjourn until tomorrow morning at Eleven Oclock

Henry L Waldo
Chief Justice &c

Second Day. January Second A.D. 1877.

Court met pursuant to adjournment
Present as on yesterday also
John H Thomson. Clerks of this Court

The record of yesterdays proceedings was read and approved.

There being no quorum of the Justices of the Supreme Court present. Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock

Henry L Haeles
Chief Justice &c

Third Day. January 3rd A.D. 1877.

Court met pursuant to adjournment.

Present. as on yesterday
The record of yesterdays proceedings was read and approved.

There being no quorum of the Justices of the Supreme Court present-
Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock

Henry L Haeles
Chief Justice

Fourth Day. January 4th A.D. 1877.

Court met pursuant to adjournment
Present as on yesterday. also.

Hon. John T. Rickets. Associate
Justice of this Court.

Record of yesterdays
proceedings was read and approved

Associate Justice John T. Rickets concurs
with Chief Justice Henry L. Wades in the appoint-
ment of John H. Thomson as Clerk of this
Court. as of date January 1st 1877.

75 Cornelius Bennett-dec'd appellant
vs
James A. Sabriskie. appellee } Appeal.
3rd Jud. Dist: Grant Co
Warren Bristol J-

Now comes the said
appellants by J. H. Kennaday their Attorney. and say
to this Court here that they will not further
prosecute their appeal herein. but dismisses the
same. It is therefore considered that the
appeal in this cause be. and the same is
hereby dismissed. And that the said James
A. Sabriskie. Appellee. recover of the said Cornelius
Bennett and Appellants his costs
in this Court. taxed at Dollars
And that Execution issue therefor

Ordered that Court do now adjourn until
tomorrow morning at the hour of Eleven oclock

Henry L Wade
Chief Justice
John T Rickets
Assoc Justice

Sept. 2nd Day. January Term A.D. 1877.

Court met pursuant to adjournment. Present as on yesterday.

The record of yesterdays proceedings was read and approved.

The Marshall now returns his writ to wit. James T. Metcalf and Miguel Baca Felipe Romero. and they are duly sworn as such.

This appearing having been inadvertently omitted from Mondays record. It is now ordered that the same be entered nunc pro tunc

76

The Territory of New Mexico vs. José Ma. Pino et als Appellants } Appeal from 3rd Jud. Dist. Dona Ana County Warren Bristol J.

Upon application of said Appellants by their Attorney. the Counsel of said Appellee Consenting thereto. the assignment of errors and briefs required by the rules of this Court to be filed on the first day of the term. are now filed. and an extension granted to said Appellee to file Joinder in Error. until to-morrow. and the cause is now set down for argument on Monday next.

On motion of Williams Breeden Esq. It is ordered that. Williams Breeden. Thomas B. Catron and T. F. Conway Esquires. be and they are hereby appointed a committee of the bar. to draft and present to the Court, appropriate resolutions, Expressive of the feelings of the Court and bar over the death of Associate Justice Johnson

On Motion of Williams Breeden Esq. a member of the bar of this Court. It is ordered that Eugene A. Fiske Esq. a member of the bar

Fifth Day. January 5th 1877.

of the First Judicial District Court of the Territory of New Mexico. bv. and he is hereby admitted to practice as an Attorney and Counselor of this Court. And thereupon the said Eugene A. Fiske appears in open Court and takes the official oath as an Attorney and Counselor prescribed by the rules of the Court.

On the motion of William Breeden Esq a member of the bar of this Court. It is ordered that Mr A Breeden Esq. a member of the bar of the First Judicial District Court of the Territory of New Mexico. bv. and he is hereby admitted to practice as an Attorney and Counselor of this Court. And thereupon the said Mr. A. Breeden. appears in open Court and takes the official oath as an Attorney and Counselor prescribed by the rules of the Court.

Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven O.Clock

Henry L Waldo
Chief Justice
Wm Kreder
Associate Justice

Sixth Day January 6th 1877.

Court met pursuant to adjournment.

Present as on yesterday.

The records of yesterdays proceedings was read and approved

83

Alvah E Wolcott and George Conway vs Charles L Van Epps

Appeal from 3rd Jud Dist Grant County

Associate Justice Warren Bristol

Appellant Dec Term 1876

Now comes the said Appellee by their Attorneys Messrs Conway & Rogers and move the Court to dismiss the appeal herein and affirm the judgment of the Court below in this cause with interest and damages at the rate of ten per cent upon the amount of said judgment for the reason that no assignment of Errors has been filed herein as required by law.

And the said motion having been argued by J L Conway Esq of Counsel for Appellees, and William Breeden Esq of Counsel for Appellant and the Court being fully advised in the premises

It is ordered that the appeal herein be and the same is hereby dismissed. And it is further Ordered and Decreed that the judgment for the District Court for the County of Grant rendered in this cause on the 23rd day of December A.D. 1876. be and the same is hereby affirmed. And that the said Appellees Alvah E. Wolcott and George Conway recover of the said Appellant Charles L. Van Epps the sum of Dollars, their costs herein expended. and in the Court below as taxed

And it appearing from the Appeal bond filed in said cause that Thomas L Evans. A George. J. B. Hurst. Thomas Smith and Thomas Lockerin. are sureties on the Appeal bond of said Appellant

Sixth Day— January 6th 1877.

It is further Ordered and Adjudged that the said Appellees Alvah E. Wilcox and George Kassiday, receiver of the said Appellant Charles L Van Epps, and Thomas L Greene A George, S. B. Hunt, Thomas Smith and Thomas Collins his securities. One Hundred and fifty six and 89/100 Dollars. their damages, and the costs in the Court below as taxed, and also the further sum of Dollars their costs in this Court expended.

And it is further Ordered, that this Cause be and the same is hereby remanded to the District Court for Grant County for Execution.

The Committee of the Bar appointed at a former day of the term, to prepare resolutions expressive of the feelings of the Court and Bar over the death of deceased Justice Johnson now present their resolutions, through William Breeden Esq. Chairman. which are read, and ordered to be entered of record, and the Clerk directed to forward a duly certified Copy of the same to the family of deceased Justice

Said resolutions are in the words and figures following to wit

In Supreme Court
Territory of New Mexico
January Term A.D. 1877.

Whereas since the last session of the Supreme Court of the Territory of New Mexico it has pleased an all wise Providence, to take from our midst, and his efforts of usefulness in the paths of life, and with in the ordinal discharge

Book Dec. January 6th 1879.

of the duties of his office Hon. Hezekiah S. Johnson late an Associate Justice of the Supreme Court of New Mexico. And whereas said Johnson held for a period of twenty years prior to his death resided in the Territory of New Mexico, and during said period had occupied and held several high positions the duties of which he discharged in a manner highly creditable to himself, and for the best interest of the Country.

And whereas we recognize in the said late Associate Justice a man of high moral character, honesty, probity and ability.

Therefore Resolved - That the members of this bar and the officers of the Court sincerely lament the death of the Hon. Hezekiah S. Johnson late an Associate Justice of this Court, and express the high consideration they entertain of the intelligity, dignity, impartiality, and love of justice which marked his character as a Judge and man.

Resolved, That in manifestations of these sentiments, they will wear the usual badge of mourning during the term.

Resolved - That the Supreme Court be requested to spread these preambles and resolutions upon the records, and cause a copy thereof to be transmitted to the family of the deceased.

William Breeden
Thomas H Catron
T F Conway
} Committee

(Signed)

87

Merrill Stevens
vs
L. G. McClure et als
} Appeal from Santa Fe County
1st Jud. Dist
Wednesday A.M. Jan 15

Whereas the Supreme Court of the United States, pursuant to the

Sixth Day. January 6th A.D. 1877.

of this Court. its Mandate. reciting that the Judgment rendered by this Court in this cause on the sixteenth day of January A.D. 1872. affirming the Judgment of the Court below in this cause was rendered on the twenty fifth day of February One thousand eight Hundred and seventy-one has been affirmed in said Supreme Court of the United States. with costs. and interest thereon at the rate of six per cent per annum since the rendition thereof.

Now upon motion of Hyde Esqr. of Counsel for Thomas B. Cadman Esqr. It is considered and adjudged by this Court. that the Judgment of this Court. affirming the Judgment of the District Court for the County of Santa Fe in this cause be and the same is hereby affirmed with interest thereon at the rate of six per cent per annum since the rendition thereof. this twenty-fifth day of February A.D. 1871. in accordance with said Mandate. And that the record of this cause be remitted to the District Court for the County of Santa Fe. where this cause was tried. and from whence it came into this Court. with directions to issue Execution on the said Judgment of this Court rendered at a former term hereof. affirmed as aforesaid. And that the said Appellee do recover his costs in this Court. as well as in the Court below to be taxed.

Ordered that Court do now adjourn until Monday Morning at the hour of nine Oclock.

Henry L. Waldo
Chief Justice
Wm. F. Kribben
Associate Justice

Seventh Day January 8th A.D. 1877.

Court met pursuant to adjournment
Present as on Saturday.

The record of Saturdays proceedings read and approved with corrections

Whereas John N. Thomson, Clerk
has rendered to this Court an account of his fees
at this present term of this Court, with the items
thereof. And in presence of Thomas B. Catron
United States Attorney, has proved on oath to the
satisfaction of the Court, that the services therein
charged have been actually and necessarily
performed as therein stated; and whereas said
charges appear to be just, and according to law:
It is hereby Ordered that said account
amounting to Forty and 20/100 Dollars be and the
same is hereby approved.

Ordered that the following allowances be and
they are hereby made to Officers of the Court:
to wit.

Thomas B. Catron.	U.S. Atty	7 days	$ 35.
John E. Sherwood	for U.S. Marshal	7 "	35
John N Thomson.	Clerk.	7 "	35
James L. Crewhall	Bailiff	7 "	12
Felipe Romero	"	7 "	14
Manuel Baca	"	7 "	14
Martin Quintana	Sheriff	7 "	14

It is ordered that Martin
Quintana. Sheriff of the County of Santa Fe. named
in. is hereby allowed for 7 days attendance the
sum of Twenty Eight Dollars to be paid by the
Secretary of New Mexico.

Alexander E. Wolcott and George Knaebel. } Appeal from 3rd Jud. Dist Bernalillo County

83

Seventh Day - January 8th A.D 1877.

83. Vs. Charles L. Van Epps Appellant } Appeal from 3rd Jud. Dis Grant County Warren Bristol J.

That portion of the record remaining this court. in a former day of this court. to the District Court for Grant County for execution. is now by order of the court vacated. And it is further Ordered that Execution issue from this Court instead.

On motion of William Breeden Esq. a member of the bar of this court. It is Ordered that Edmund F. Dunne Esq. a member of the bar of the 1st Judicial District court of the Territory of New Mexico. be and he is hereby admitted to practice as an Attorney and Counsellor of this court. and thereupon the said Edmund F. Dunne appears in open court. and takes the official oath as an Attorney and Counsellor prescribed by the rules of the court.

76. The Territory of New Mexico vs Jose Ma Pino et als Appellees Appellants } Appeal from 3rd Jud. Dist. Doña Ana Co Warren Bristol J.

This cause now came on to be heard, and was argued by Thomas B. Catron Esq. Counsel for the Appellants. and William Breeden Esq. Attorney General. for Appellees. And the argument being concluded. is now submitted to the court for its decision. and the court being sufficiently advised in the premises announces its decision through Hon Justice Waldo. Associate Justice Reduced concurring therein. reversing the judgment of the court below. and remanding the cause

Seventh Day. January 8th 1877.

In the District Court for Doña Ana County for a new trial of said cause therein.

Territory of New Mexico, Appellee
Vs. } Appeal from 1st Judicial Dist Mora County
Louis Hommel, Appellant } C. J. Wades.

This cause now comes on to be heard, and was argued by Thomas B. Catron Esq. of Counsel for Appellant, and William Breeden Esq. Attorney General for the Territory of New Mexico for Appellee.

And the argument being concluded is now submitted to the Court for its decision.

And the Court being sufficiently advised in the premises, announces its decision

Affirming the judgment of the Court below and remanding this cause to the District Court for the County of Mora with directions to said Court to pass the sentence of death connected with Execution

Ordered that Court do now adjourn Sine die

Henry L Waldo
Chief Justice
John P. Reid
Associate

In Vacation. January 9. 1877.

And now comes John H Thomson. and files his bond as Clerk of the Supreme Court of the Territory of New Mexico Whereupon. as per order of the Court made on the 1st day of the January Term AD. 1877. the said bond is entered of record. which is in the words and figures following to wit—

Know all men by these presents. That we. John H. Thomson. Robert Longwell and Cornelius Leesgrove all of the Town of Santa Fe. in the Territory of New Mexico. are held and firmly bound unto the United States of America in the sum of Ten Thousand Dollars. lawful money of the said United States. to be paid to the said United States; for which payment well and truly to be made. we bind ourselves. our Heirs. Executors and Administrators jointly and severally. firmly by these presents—

Signed with our hands and sealed with our seals. this 6th day of January A.D. 1877.

The condition of the above obligation is such. Whereas. John H. Thomson pursuant to law has been appointed Clerk of the Supreme Court of the Territory of New Mexico. to have and to hold the same. with all the rights privileges and emoluments thereunto belonging; appertaining. so is, and appointment to run during the term of four years from the first day of January A.D. 1877. Now if the said John H. Thomson. by himself and by his deputies. shall faithfully discharge the duties of his office. and seasonably record all the decrees. judgments. and determinations of the said Court. and properly account for all monies coming into his hands. as required by law. then this obligation to be void. otherwise to remain in full force and virtue

John H Thomson (seal)
Robt H Longwell (seal)
Cornelius Leesgrove (seal)

Signed sealed and delivered in presence of:

Dist Vacation. January A.D. 1877

Territory of New Mexico } ss
County of Santa Fe

I, Robert N. Longwell one of the sureties on the annexed bond, being duly sworn, depose and say. that I am worth after paying my just debts the sum of Five Thousand Dollars. Exclusive of property exempt from Execution by the laws of the Territory in which I reside

(Signed) Robert N. Longwell

Subscribed and sworn to before me this 6th day of January A.D. 1877.

(signed) Henry L. Waldo.
Clerk District Ct 1st Dist
of New Mexico

County of Santa Fe } ss
Territory of New Mexico

I, Cornelius Leogoard. one of the sureties on the annexed bond. being duly sworn depose and say. that I am worth after paying my just debts. the sum of Five Thousand Dollars. exclusive of property exempt from Execution by the laws of the Territory in which I reside

(Signed) Cornelius Leogoard

Subscribed and sworn to before me this day of January A.D. 1877.

I.

The within bond is hereby

Approved. (signed) Henry L. Waldo
Clerk District Ct 1st Dist Territory of New Mexico
(signed) John S. Kinsell
Attorney for

1st Day. Monday. January 7th 1878

At a Regular Term of the Supreme Court of the Territory of New Mexico, begun and held at the City of Santa Fe in said Territory, on the First Monday of January A.D. 1878, being the Seventh day of January A.D. One Thousand Eight Hundred and Seventy Eight.

Present

Hon. Henry L. Waldo.
Chief Justice of said Court
Thomas B. Catron Esq
United States Attorney for said Territory
Hon. William Breeden.
Attorney General for said Territory
John E. Sherman Jr. United States Marshal for said Territory
Martin Quintana Esq
Sheriff of the County of Santa Fe
John H. Thomson. Clerk of said Court

The Marshal now appoints his Bailiffs. to wit. Jose Ma Garcia and Ramon Pacheco. and they are duly sworn as such.

There being no Quorum of the Justices of the Supreme Court present

It is Ordered. that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock.

Henry L Waldo
Chief Justice

Second Day. Tuesday January 8th 1878

Court met pursuant to adjournment
Present as on Yesterday

The record of Yesterdays proceedings is
read and approved.

Kastus Lumsden is
now appointed Crier to the Court and duly
sworn as such.

His appointment having
been inadvertently omitted from yesterdays record
It is ordered, that the same be now
entered

Henry being no
Quorum of the Justices of the Supreme
Court present. It is Ordered that Court
do now adjourn until tomorrow morning
at the hour of eleven Oclock

Chas E Shaw
Chief Justice

Third Day. Wednesday. January 9th 1878

Court met pursuant to adjournment. Present
as on yesterday. The record of yesterdays
proceedings is read and approved

There being no Quorum
of the Justices of the Supreme Court present
It is Ordered, that Court do now adjourn
until tomorrow morning at the hour of
Eleven Oclock.

E. [illegible]
Chief Justice

Fourth Day. Thursday. January 10. 1878

Court met. pursuant to Agournment
Present as on Yesterday.

The record of
Yesterdays proceedings is read and approved
there being no quorum of
the Justices of the Supreme Court present.
It is Ordered that Court do now Adjourn
until tomorrow morning at the hour of
Eleven Oclock

Henry D Hall
Chief Justice N.C.

[illegible]

[illegible]

Henry D Hall
Chief Justice &c.

Sixth Day. Saturday. January 12th 1878

The Court met pursuant to Adjournment
Present as on Friday.

The record of Yesterdays proceedings is read and approved
there being no quorum of the Justices of the Supreme Court present.
It is Ordered that Court do now Adjourn until Monday morning at the hour of Eleven Oclock.

Henry D Hall
Chief Justice &c.

Sixth Day. January 14th 1878

Court met pursuant to Adjournment
Present as on Saturday.

The record of Saturdays proceedings is read and approved.

There being no Quorum of the Justices of the Supreme Court present
It is Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock.

Henry Smith
Chief Justice

Eighth-Day. Tuesday. January 15th 1878

Court met pursuant to adjournment
Present as on yesterday. The record of yesterdays proceedings is read and approved.

There being no Quorum of the Justices of the Supreme Court present
It is Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock

Henry Smith
Chief Justice

[illegible]

[illegible]

[illegible] Court [illegible] Session [illegible]

[illegible] Court [illegible] Session [illegible]

[illegible]

Henry O'Hara
Clerk [illegible]

[illegible]

[illegible]

Present as on Yesterday.

The Record of Yesterdays Proceedings was read and Confirmed.

[illegible] Court [illegible] Session [illegible]

[illegible]

Henry O'Hara
Clerk [illegible]

Eleventh Day. Friday, Jan.y 18.1878

Present as on Yesterday. The Record of Yesterdays Proceedings was read and Confirmed.

[illegible] Court [illegible] Session [illegible]

[illegible]

Henry O'Hara
Clerk [illegible]

Twenty Day. March ye

Court met pursuant to adjournment.
Present as on yesterday
The records of yesterday proceedings read
and allowed
Then there
appeared in Court Elizabeth
Lewis & Edward Lewis
Infants

Henry B Hardcastle
Clerk Circuit Court

Twenty first Day. Wednesday January 21st 1778

Court met pursuant to adjournment.
Present as on yesterday
The records of yesterday proceedings read
and allowed
Then there
appeared in Court Elizabeth
Lewis & Edward Lewis
Infants

Henry B Hardcastle
Clerk Circuit Court

Twenty second Day. Thursday January 22. 78

Court met pursuant to adjournment
Present as on yesterday. The records
of yesterdays proceedings read & found
right.
Then there
the Petition of

Fourteenth Day. Tuesday Jany 22. 78

It is Ordered that Court do now adjourn until tomorrow morning At the hour of Eleven Oclock.

Henry Flood
Chief Justice &c

Fifteenth Day. Wednesday. January 23. 1878

Court met pursuant to adjournment present as on Yesterday.

The Record of Yesterdays Proceedings is read and approved.

Here Craig. no quorum of the Justices of the Supreme Court present

It is Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock

Henry Flood
Chief Justice &c

Sixteenth Day. Thursday. January 24. 1878

Court met pursuant to Adjournment present as on Yesterday.

The record of Yesterdays Proceedings is read and approved

Here Craig no quorum of the Justices of the Supreme Court present

It is Ordered that Court do now Adjourn until tomorrow morning until the hour of Eleven Oclock

Henry Flood
Chief

Seventeenth Day. Friday January 25 1878

Court met pursuant to adjournment. Present as on yesterday. The record of yesterdays proceedings is read and approved.
There being no quorum of the Justices of the Supreme Court present It is Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock.

Henry L Haden
Chief Justice &c

Eighteenth Day. Saturday January 26. 78

Court met pursuant to adjournment. Present as on Yesterday
The record of Yesterdays proceedings is read and approved
There being no quorum of the Justices of the Supreme Court present. It is Ordered that Court do now adjourn until Monday morning at the hour of Eleven Oclock.

Henry L Haden
Chief Justice &c

Nineteenth Day. Monday January 28. 1878

Court met pursuant to adjournment. Present as on Saturday. The record of Saturdays proceedings is read and approved
There being no quorum of the Justices of the Supreme Court present: It is Ordered that Court do now adjourn until tomorrow morning at the hour of Eleven Oclock

Seventh Day. Tuesday Jany 29. 78

Court met pursuant to adjournment
Present as on Yesterday. The record
of Yesterdays proceedings is read and
approved.

There being no quorum of
the Justices of the Supreme Court
present. It is Ordered that Court
do now adjourn until tomorrow
morning at the hour of Eleven Oclock

Henry Wells
Chief Justice &c

Seventy-first Day. Wednesday January 30. 1878

Court met pursuant to Adjournment.
Present as on yesterday
The record of Yesterdays proceedings
is read and approved.

There being no quorum
of the Justices of the Supreme Court present
It is Ordered that Court do now
adjourn until tomorrow morning at the
hour of Eleven Oclock

Henry Wells
Chief Justice &c

Seventy-second Day Thursday. Jany 31. 78

Court met pursuant to adjournment
Present as on Yesterday. The record of yes-
terdays proceedings is read and approved

Ordered by the Court that the following
allowances be, and they are hereby made

Twenty-second Day Thursday Jany 31st 78.

Officers of the Court. to wit

Francis J. Leahey,	U.S. Attorney	22. Days	$110.00
John E. Sherman Jr.	U.S. Marshal	" "	110.00
Jesus N Thomas,	Clerk	" "	110.00
Martin Luxuluna.	Interp	" "	44.00
Jose Mª Garcia,	Bailiff	" "	44.00
Ramon Padilla	"	" "	44.00

Ordered that Martin Luxuluna the Sheriff of the County of Santa Fe. be and he is hereby allowed for twenty two days attendance as Sheriff. to be paid by the Territory of New Mexico Eighty eight dollars.

Then Henry L. Waldo one of the Justices of the Supreme Court presiding at the October Term Court as this day adjourned Sine die

Henry L Waldo
Chief Justice &c

1st Day. Monday January 6th A.D. 1879.

At a Regular Term of the Supreme Court of the Territory of New Mexico begun and held at the City of Santa Fe in said Territory, on the first Monday of January being the Sixth day of January in the year One thousand Eight hundred and seventy nine.

Present

Hon. Samuel B. Parks Associate Justice of said Court.

Hon. Warren Bristol Associate Justice of said Court

John Sherman Jr. United States Marshal for said Territory

Jno H Thomson Clerk of said Court.

Martin Luntana Esq. Sheriff of the County of Santa Fe

On motion of William Breeden Esq. a member of the bar of this Court. It is Ordered that William T. Thornton Esq. a member of the bar of the First Judicial District of the Territory of New Mexico be, and he is hereby admitted to practice as an Attorney and Counsellor of this Court. And thereupon the said William T. Thornton appears in open Court and takes the official oath as an Attorney and Counsellor. prescribed by the rules of this Court

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Stanton S. Brannan
Plaintiff in Error

vs

Martin H. Brannan
Defendant in Error

} Error to 3rd Judicial District

1st Day. Monday January 6th 1879.

Associate Justice Bristol having presided in the Court below in the trial of this cause It is Ordered that it be and the same is hereby Continued until the next term of this Court; with leave given the Plaintiff to file Assignment of Errors during the present week

87

Cornelius Bennett et als
Appellants
vs
James A. Zabriskie
Appellee

Appeal
3rd Judicial District

Associate Justice Bristol having presided in the Court below at the trial of this cause. It is Ordered that it be and the same is hereby Continued until the next term of this Court. with leave given the Appellant to file Assignment of Errors during the present week

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Clarance P. Rader
Plff in Error
vs
Joseph H. Bennett et als
Defdts in Error

Error. Third Judicial District
Grant County

Associate Justice Bristol having presided in the Court below at the trial of this cause. It is Ordered that it be and the same is hereby Continued until the next term of this Court. with leave given the Plaintiff in Error to file Assignment of Errors at any time during the present week.

First Day. Monday January 6th 1879

Ordered that Court do now adjourn until tomorrow morning at the hour of ten Oclock

Samuel Parks
Judge

Warren Bristol
Sheriff

Second Day. Tuesday. January 7th 1879

Court met pursuant to Adjournment
Present as on Yesterday. The record of yesterdays proceedings is read and approved

On motion of Thomas B. Catron Esq. a member of the Bar of this Court. It is Ordered that W. L. Rynerson and S B Stewcomb Esqrs members of the Bar of the Third Judicial District Court of the Territory of New Mexico be, and they are hereby admitted to practice as Attorneys and Counsellors of this Court And thereupon the said W. L. Rynerson and S. B. Stewcomb appear in open Court and take the official oath as Attorneys and Counsellors prescribed by the rules of this Court.

The Marshal now appears for Bailiff. George Howland. and he is duly sworn as such

The Territory of New Mexico
Appellant
vs
Basilio Perea
Appellant

} Appeal from 3rd Jud Dist Santa Fe County

It Appearing to the Satisfaction of the Court upon the affidavit of

Second Day. Tuesday January 7th 1879.

the Appellant. that he is a poor person. and unable to procure the necessary means. by which this cause may be brought before the Court. It is Ordered. that said cause be docketed free of costs to the said Appellant Charles Perea. And thereupon on motion of the Appellant by A. J. Thornton Esq. the Attorney General not objecting: It is Ordered. that the transcript in this cause. from the Court below. be amended as to correspond with the facts

Now comes Charles Blanchard. a native of the Kingdom of Great Britain. and makes application to become a Citizen of the United States: And it appearing to the satisfaction of the Court that more than two years ago. the said Charles Blanchard made oath before W. A. Breeden Esqr. Clerk of the District Court. of the Second Judicial District Court of the Territory of New Mexico, on the Holy Evangelists of Almighty God. that it was Bona fide his intention to become a Citizen of the United States. and renounce and abjure forever. all allegiance and fidelity to every Foreign Power. Prince, Potentate. State and Sovereignty whatsoever. and particularly all allegiance and fidelity to. Her Majesty. Victoria. Queen of Great Britain. And it being proven to the Court by the testimony of William Breeden and Thomas B. Catron. Citizens of the United States who were examined on their oaths as witnesses that the said Charles Blanchard has resided continuously within the United States five years and one year. at least immediately preceding his application in the Territory of New Mexico; and that during that time. he has behaved as

Secnd Day. Tuesday January 7th 1879

as appears of good moral Character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same! And thereupon the said Charles Blanchard, made oath that he would support the Constitution of the United States, and that he does absolutely and positively renounce and abjure all allegiance and fidelity to every Foreign Power Prince, State and Sovereignty whatsoever, and particularly all allegiance and fidelity to Her Majesty, Victoria, Queen of Great Britain And thereupon the Court admits the said Charles Blanchard to become a Citizen of the United States

The Territory of New Mexico } Appeal 3rd Judicial
as
George W. Maxwell
Appellant. }

By consent of parties by their respective Attorneys, It is Ordered that this cause be, and is hereby placed upon the docket.

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'clock

Sam'l B. Parks
Judge
Warren Bristol
Clerk

Third Day. Wednesday January 8th 1879

Court met pursuant to adjournment Present as on Yesterday— The record of Yesterdays Proceedings is read and approved

91

The Territory of New Mexico Appellee } Appeal 1st Jud Dist Mercer
vs
Ygnacio Rivera Appellant } It appearing to the satisfaction of the Court, upon the affidavit of the said Appellant. that he is a poor person and without the necessary means. whereby he may be enabled to bring said cause before the Court. and on motion of said Appellant by his Attorneys M A Breeden and Eugene Fiske Esqrs. It is Ordered. that said cause be, and the same is. hereby docketed, free of Costs to the said Appellant.

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The Territory of New Mexico Appellee } Appeal 1st Jud Dist Santa Fe Co Murder
vs
Basilio Perea Appellant } Ordered. that so much of the entry in this cause. on Yesterdays proceedings. as relates to the amendment of the transcript from the Court below be. and the same is hereby set aside. and vacated And thereupon Comes on to be heard the motion of the Appellant. filed herein. to amend the bill of exceptions in this cause. the Appellant appearing by his Attorneys. and the Territory by the Acting

Thirá Day Wednesday January 8th 1879

Attorney Gfeneral. And it appearing to the Satisfaction of the Court. That the transcript in this cause shows. That certain evidence was offered to be introduced by Appellant. and refused by the Court after the Court had charged the Jury. And it further appearing that there was an error in making out said transcript and that said evidence was offered. before the Court Charged the Jury. and in due Course of trial. And the acting Attorney Gfeneral. admitting this to be true. and consenting to the Amendment of the transcript so as to show the facts. It is therefore Ordered. that said transcript be amended. so as to show that said evidence was offered. at the proper time during the trial. and not after the Jury had been charged by the Court

Edward Miller
Plff in Error
vs
Charles M Conklin
Defendt in Error
) Error to 2d Jud. Dist Bernalillo Co

85

Ordered that this cause be set down for argument. on tomorrow

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'Clock.

Saml E Parks
Judge
Presiding

Thursday. Thursday. January 9. 1879

Court met pursuant to adjournment - Present as on yesterday. the record of yesterdays proceedings is read and approved

85 Edward Miller
Plff in Error
vs
Charles M Conklin
Defendant in Error
} Error
Second Judicial
Bernalillo Co.
A. J. Reed

This cause now came on to be heard, and was argued by Thomas D. Conway Esq. on behalf of the Plaintiff in Error, and by Thomas B. Catron Esq for the Defendant in Error, and the argument being concluded, is now submitted to the Court for its decision. And the Court not being fully advised in the premises, takes the same under advisement

89 William Rosenthal
Appellee
vs
John S. Chisum
Appellant
} Appeal. 2nd Judicial
Bernalillo County -
A. J. S. B. McKee

Ordered that this cause be set down for Argument. tomorrow morning at the hour of 10 oclock

90 The Territory of New Mexico
Appellee
vs
Juan Manuel Angel
Appellant
} Appeal
1st Judicial -
Santa Fe County -
Chief Justice
Charles M Conklin

Ordered. that this cause be set down for Argument. on tomorrow morning at the hour of 10 oclock

Forth Day. Thursday January 9th 1879

91 The Territory of New Mexico, Appellee | Appeal. 1st Jud Dist. Murray. C.J. McCandless
vs
Ygnacio Rivera, Appellant.

Ordered that the Argument of this cause be set for tomorrow morning at the hour of 10 Oclock.

92 The Territory of New Mexico, Appellee | Appeal 1st Jud Dist. Murray. C J McCandless
vs
Basilio Perea, Appellant

Ordered that this cause be set for Argument on Saturday next at 10 Oclock A.M.

Ordered that Court do now adjourn until tomorrow morning at the hour of 10 Oclock

Sam'l B. Parks
Judge

Warren Bristol
Judge

Fifth Day. Friday January 10th 1879

Court met pursuant to Adjournment. Present as on yesterday. The record of Yesterdays proceedings is read and approved.

89 William Rosenthal, Appellee
vs
Louis S. Schuster, Appellant. | Appeal. 2nd Jud Dist Bernalillo County. A.J. S.B. McKee

Fifth Day. Friday January 16th 1879.

This cause now came on to be heard. and was argued by Thomas F. Conway Esq on behalf of the Appellant. and by J B. Laban and Wilkeson Breeden Esquires for the Appellee. And the Argument being concluded. is now submitted to the Court for its decision. And the Court not being fully advised in the premises takes the same under advisement

The Territory of Said Mexico
Appellee
vs
George N. Maxwell
Appellant
} Appeal 3rd Jud. Dist
A. J. Knobel

94

Now comes the said Territory by her Attorney General. and produces the affidavit of William L. Rynerson Esq. District Attorney of the Third Judicial District. showing that the record in this cause is imperfect and incomplete. in that it fails to show the fact that the said defendant was present in the Court below. when the Court pronounced sentence in this cause. which by the Statute is necessary to perfect the record and judgment therein

Whereupon it is commenced by the Court. that this cause be remanded to the Court below with the said. with direction to perfect and complete the record herein in conformity with the facts. and further that a writ of execution issue directed to the Court pronouncing sentence and judgment aforesaid. which writ upon the

Fifth Day. Friday January 10th 1879

Perfection and completion of the record, that the Clerk of said Court send up to the Clerk of this Court, a true and perfect transcript of the record and proceedings in this cause and that this Cause stand Continued under the next term of this Court

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'clock

Sam'l B. Parks
Judge

Warren Bristol
Sheriff

Sixth Day. Saturday January 11. 1879

Court met pursuant to adjournment. Present as on yesterday. Also. Hon Henry L. Dalton Attorney General for. New Mexico.

The record of yesterdays proceedings is read and approved.

The Territory of New Mexico
Appellee
vs
Juan Manuel Angel
Appellant

Appeal
1st Jud Dist Ct
Santa Fe Co
C. J. McCandless

Now come the said Appellant by his Attorney. M. A. Breeden Esq and the said Territory by her Attorney General. and by consent of parties. this cause is submitted on the record from the Court below. without argument. for the decision of the Court herein. And the Court not being fully advised in the premises. takes the same under advisement

90

Sixth Day. Saturday January 11. 1879

91 The Territory of New Mexico Appellee
vs
Ygnacio Rivera Appellant
} Appeal. 1st Jud Dist Santa Fe County
Murray
C. J. McCandless

This cause came now on to be heard. and was argued by W. A. Breeden Esq for the Appellant. and by the Attorney General on the part of the Territory and the Argument being concluded is now submitted to the Court for its decision. And the Court not being fully advised in the premises takes the same under advisement

92 The Territory of New Mexico Appellee
vs
Basilio Perea Appellant
} Appeal 1st Jud Dist Santa Fe Co
Murray
C. J. McCandless

This cause come now to be heard. and was argued by W. T. Thornton Esq of Counsel for the Appellant. and by the Attorney General for the Appellee. And the argument being concluded it is submitted to the Court for its decision. And the Court not being fully advised in the premises. takes the same under advisement

93 The Territory of New Mexico Appellee
vs
Richard Rennie Appellant
} Appeal 3rd Jud Dist Grant County
Murray
A. J. Bristol
Special Justice Bristol

having presided in the Court below. when this

Sixth Day Saturday January 11. 1879.

Cause was tried. It is Ordered that it be and the same is hereby Continued until the next Term of this Court.

Ordered that Court do now adjourn until Monday morning at the hour of Nine Oclock

Sam'l B Parks
Judge

Warren Bristol
Judge

Seventh Day. Monday January 13" 1879

Court met pursuant to adjournment. Present as on Saturday. The record of Saturdays proceedings is read and approved

The People of New Mexico
Appellee
| Appeal fr Juarez
Santa Fe County.

90

Juan M Manuel Angel
Appellant
| C.J. McCandless

This Cause having been submitted to this Court at a former day of this Term, and the Court having then taken the same under advisement, And now being sufficiently advised in the premises. announces its decision by Associate Justice Parks. Reversing the Judgment of the Court below

It is therefore considered by the Court that the Judgment rendered in this Cause in the Court below be, and the same is hereby Reversed

Seventh Day. Monday January 13th 1879

and it is said Appellant Juan Manuel Angel as to said Judgment be and he is hereby discharged. It is further Ordered and adjudged that this cause be remanded to the District Court for the County of Santa Fe from whence it came into this Court with instructions to said Court to dismiss the same and the same is hereby

Edward Muller
Plaintiff in Error
vs
Charles McLoskey
Defendant in Error

Error
2nd Judicial
Bernalillo Co
A. L. Readick

This cause having been argued and submitted to this Court at a former day of this Term, and the Court having thereof taken the same under advisement, and now being sufficiently advised in the premises Announces its decision through Associate Justice Parks. affirming the judgment of the Court below. It is therefore considered and adjudged by the Court, that the judgment of the Court below in this cause be and the same is hereby affirmed with interest at the rate of six per cent per annum, and the mandate of the same to Court on the Sixth day of October A. D. One thousand Eight hundred and Seventy six and that the said Appellee Charles McLoskey do also have and recover of the said appellant Edward Muller damages at the rate of five per cent. on the amount of the said judgment in the Court below in this cause. Said damages amounting to Seventeen and 50/100 dollars, and for the said Appellee Charles McLoskey against the said Appellant Edward Muller. It is ordered that

Seventh Day. Monday January 13. 1879.

Judgment interest and damages, amounting in all to the sum of Four Hundred and Sixty dollars and 85/100 dollars and also his costs in this behalf expended as well in the Court below, as in this Court to be taxed. And it appearing to the satisfaction of the Court that Otto Elfeld and Jose A. Ortiz are securities on the appeal bond of the said Appellant. Therefore It is further remembered and adjudged by the Court. that the said Appellee Charles M. Conklin recover of the said Appellant Edward Miller, and of Otto Elfeld and Jose A Ortiz his securities. the said Judgment with interest and damages amounting to Four Hundred and Sixty dollars and eighty five cents and also his costs in this behalf expended as well in the Court below as in this Court to be taxed, and that Execution issue therefor

Ordered that Court do stand adjourned until tomorrow morning at the hour of ten O clock

Saml C Parks
Judge
Warren Bristol
Clerk

Clarence Hanks
Prudencio Hernandez
Thomas Hennessy

Journal Entries.

Supreme Court Record

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